

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE
of the
Suffolk County Legislature**

Minutes

A meeting of the Environment, Land Acquisition & Planning Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **November 26, 2002**.

Members Present:

Legislator David Bishop - Chairman
Legislator Michael Caracciolo - Vice-Chair
Legislator Andrew Crecca
Legislator Ginny Fields
Legislator Jonathan Cooper

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Erin Cohan - Aide to Legislator Bishop
Jim Dobkowski - Aide to Presiding Officer Tonna
Kevin Duffy - Budget Review Office
Nicole DeAngelo - County Executive's Office/Intergovernmental Relations
Vito Minei - Suffolk County Department of Health Services
Robert Pryor - Pryor and Mandelup
Robert Parrino - Present/Paradise Point Oyster Farms
Dave Hotine - Paradise Point Oyster Farms
Bill Zeller - Owner/Captree Clam Company
Tom Rhodes - Independent Bayman/Resident of Southold
Jason Rhodes - Independent Bayman/Resident of Southold
Karen Rivera - Present/Aris Culture Oyster Company
Greg Rivera - Cornell Cooperative Extension/SC Marine Program
Tom Isles - Director/Suffolk County Planning Department
DeWitt Davies - Suffolk County Planning Department
Christine Costigan - Director/Real Estate Division/Planning Dept
Jim Burke - Deputy Director/Real Estate Division/Planning Dept
David Grier - County Attorney's Office
Don Garber - Setauket Civic Association
Maryann Spencer - Society for Preservation of Long Island Antiquities
Mr. Shaub - SPLIA
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

CHAIRMAN BISHOP:

We have a quorum. We're a five member committee, three are present; in my country, that's a quorum. Would everybody please rise for the Pledge of Allegiance to be led by James Dobkowski, Aide to Presiding Officer Tonna.

Salutation

This is the November 26th meeting of the Environment, Land Acquisition & Planning Committee of the Suffolk County Legislature. As usual, we have a lengthy agenda and a number of cards relating to the agenda. Everybody that wishes to speak to the committee today is relating to the aquaculture issue; is that correct?

MR. GARBER:

No.

CHAIRMAN BISHOP:

What issue are you here on?

MR. GARBER:

Sherwood-Jayne acquisition.

CHAIRMAN BISHOP:

Did you fill out a card?

MR. GARBER:

Mr. Garber.

CHAIRMAN BISHOP:

Yes, okay. All right, but the first cards were the aquaculture which we'll try to organize in terms of in favor and against. So who is here in favor of the resolution? That would be our Planning Department, right. Who is against the resolution that wishes to speak. One, two, three, four, five; okay, and you all have the same -- you're altogether?

MR. PRYOR:

Yes, we're together on our issue.

CHAIRMAN BISHOP:

Right, but you're not together prior to this. Okay. Who is together prior to this? You're the attorney for that gentleman?

MR. PRYOR:

For these two gentlemen, Paradise Point Oyster Farms.

CHAIRMAN BISHOP:

Okay. Well, why don't we bring up Paradise Point, we'll start with

that. I'm just looking for a way to organize this, expedite it, but without cutting off debate or information. Good afternoon.

2

MR. PRYOR:

Good afternoon. My name is Robert Pryor of Pryor and Mandelup, we represent Paradise Point Oyster Farms, Inc. And we're appearing today in support of our application to redeem 776 acres of underwater lands which represents about .7%, 7/10ths of 1% of the underwater lands located in the Peconic and Gardiner Bays, Gardiner's Bay.

We basically believe -- we're also here in opposition to the proposed resolution seeking to stay our applications to redeem. We have brought with us today three people who are vitally involved in the aquaculture and bay industries on the east end who wishes to be heard in support of our application. We also hope that this committee has received a letter from the Cornell Cooperative Extension, a person named Greg Rivara on its behalf indicating his support for our applications to redeem and in opposition to the motion to stay our applications. I could go through very quickly, if you like, our arguments or I could --

CHAIRMAN BISHOP: Yeah, please refresh us. And Legislator Caracciolo doesn't have a copy of the Cornell letter. Did we receive that, Erin?

MS. COHAN:

I don't remember seeing it but I spoke with him today.

CHAIRMAN BISHOP:

I vague -- I think I do.

LEG. CARACCIOLO:

If you have an extra copy --

CHAIRMAN BISHOP:

We'll make copies and distribute it to the Legislature.

MR. PRYOR:

I have one copy.

CHAIRMAN BISHOP:

So you may run through the arguments, in brief.

MR. PRYOR:

Thank you, very briefly. As I say, our application pertains to 7/10ths of 1% of the underwater lands located in these two bays. We think in that respect alone it represents a very minor intrusion, if

any, on the overall Legislative Intent to somehow implement an overall leasing program down the road. We note that the committee, the Aquaculture Committee whose report this committee has received is predisposed to enter into a leasing program. There are many substantial problems involved in such a program. Just to underscore several, the leases they propose would be ten year leases; that concept is not economically well-founded. The implementation of aquaculture under ten year leasing programs will entail very substantial capital expenditures. And as we pointed out in our letter to the committee, the period of time it takes to harvest one clam is

3

approximately six years, so that type of capital expenditure to generate only several harvest during a very small portion of time probably is not real tenable.

In either case, the point that we really urge this committee to consider is that there is no well articulated leasing program right now; it may very well be that there will never be one. We note that the committee report does not resolve the tensions between those people who are opposed to aquaculture and those people who believe that it's the essential way of solving the dearth of shellfish in these two bays. So there really is no serious attempt in the committee report. And it's a very difficult issue, I don't say this pejoratively, but the committee report does not really resolve that issue at all. So what we're looking at is many years of still grappling with these very difficult issues and in the meantime the shellfish population in these bays is diminishing every year as some of our people who are speaking in our favor today will testify to.

So our position is that however long it takes to resolve these difficult issues, we shouldn't put to the side the very substantial need to keep on generating more shellfish population for the benefit of everybody; for my client obviously but as well, if not more importantly, for the baymen and for the public. So we urge you that whatever the ultimate decision is by this board with respect to these very difficult issues, that in the meantime let my client take these 776 acres and cultivate them generating substantial amounts of shellfish that will be created for the benefit of everybody.

As we point out in our letter to the committee, the way it works is that during the six year period, while shellfish are being raised, one clam goes from seed to being able to be sold, every year it spawns I'm told many, many, many, if not thousands of shellfish spawn which then are circulated through the water stream for the benefit of everybody and they go well beyond the specific area where we're cultivating. So that apparently has a very direct benefit. Even the committee report notes and it supports this position, it notes that 2.9% of the

underwater lands currently generate 90% of the shellfish population in the Peconic and Gardiner's Bay. So I think that committee reports bears out our position that what we're doing for ourselves directly benefits us clearly but has a much more important direct -- indirect benefit for the baymen and for the public at large in these bays.

The other thing that --

CHAIRMAN BISHOP:

What is your understanding of the argument against transferring title to these lands, in favor of leasing; the Planning Department's argument, the committee's argument?

MR. PRYOR:

Well, I'm not quite sure I fully understood it. I think their point is that if all the lands could be brought within public ownership then uniform regulations could be created to control the manu -- the farming or the cultivation of shellfish. The reason why I don't understand it is because those same regulations could be imposed as against owners as well as lessees.

4

CHAIRMAN BISHOP:

Right, that was exactly the point of my question.

MR. PRYOR:

And I guess our focus is that whatever -- first of all, I hope you have the letters from my clients acknowledging that whatever regulations the County decides to impose, we'll be happy to be bound by those whether they're imposed today or down the road, so long as that they're nondiscriminatory uniformly in force. So we will go along with any program that's implemented, the problem is there's no program right now and the problem is my client needs to grow his business for his own benefit and for the benefit of everyone. So that if years are spent --

CHAIRMAN BISHOP:

How much will it cost your clients to gain control of these lands?

MR. PRYOR:

Let me have my client address that. This is Robert Parrino and Dave Hotine who both work -- who are both principals of Paradise Point. Either one of you may address that.

MR. PARRINO:

Could you repeat your question?

CHAIRMAN BISHOP:

How much will it cost you to get control of these lands if your redemption application went through?

MR. PARRINO:

Between --

CHAIRMAN BISHOP:

Leaving out legal fees, how much are you going to pay the county?

MR. PARRINO:

Rob Parrino, President of Paradise Point Oyster Farms. The current back taxes are I guess around \$40,000, so I guess we have --

CHAIRMAN BISHOP:

And how much did you pay for the bankruptcy?

MR. PARRINO:

Twenty thousand to get the rights and titles through the bankruptcy court.

CHAIRMAN BISHOP:

Okay. Do you have any idea what a lease would run, how much that would cost for that amount of acreage for ten years?

MR. PARRINO:

I have no -- there aren't any leasing numbers to even go by. In 1969 when the leasing program was going to get off the ground it got shot down basically and, you know, never came to existence. So I would -- I don't know. I think in Connecticut it's a dollar an acre or \$3 an

acre or something. They have a leasing program, it's not a large amount of money at all.

CHAIRMAN BISHOP:

So this ultimately is not about the money that you're going to layout, it's not that you're going to be -- they're going to be charged a lot more if you were under a leasing program than if you're under an ownership program?

MR. PARRINO:

No, the granted land enables us to grow clams and use our boats to harvest the clams where, you know, with a lease -- well, there aren't any even guidelines now to leasing, but there was another committee, a Peconic Bay Committee that was going on at the same time the Suffolk County Aquaculture Committee was going on to talk about leasing.

CHAIRMAN BISHOP:

I guess to rephrase my question, it's a basic question; why is this important to you? Why is it important that you have the grant as opposed to a long-term lease, what's the difference?

MR. PARRINO:

Well, the grant right now is in place with -- I would just go down to the DEC and get a bed permit to start using the land and under their -- I mailed everybody a letter with the new conditions that the DEC imposed that protects all natural shellfish and everything and to get just -- it would be a much quicker process, I don't know how many years they have to --

CHAIRMAN BISHOP:

So it's certain and quicker and --

MR. PARRINO:

Yeah, more defined and we could get right out there and start using the property.

CHAIRMAN BISHOP:

Counsel?

MR. PRYOR:

I would just point out that my understanding, based upon the committee report, is that 5% of the underwater lands in these bays are currently owned privately. So we're not talking about extinguishing private rights by virtue of the proposal from the Aquaculture Committee, we're simply talking about taking back those lands that might be taken back and entering into a leasing program which currently is not in effect. My client's principle need is to begin harvesting and planting seed now, and if there's no leasing plan in effect then he won't be able to do that.

As he just indicated, there's no reason to assume that a leasing program is going to generate more revenues for the County than would taxing of these underwater lands. And as I indicated as well, my client would be amenable to any reasonable proposal that would generate revenues for the benefit of the County, whether it was a leasing program or an ownership. But I would just point out that

there are people currently who own underwater lands, the program that's proposed by the Aquaculture Committee is not going to eradicate that. And this is an only a very, very small percentage of the overall underwater lands, it's 7/10ths of 1%.

CHAIRMAN BISHOP:

Legislator Caracciolo.

LEG. CARACCILOLO:

Counsel, you mentioned that presently there are about 5% of these lands that are in private ownership?

MR. PRYOR:

Sir, that's what the report indicates, the Aquaculture Committee report indicates.

LEG. CARACCILOLO:

Okay. Do you know how those lands are assessed and what type of taxes they generate?

MR. PRYOR:

I don't know that. I do know that the lands that we're seeking to redeem, we have the tax bills for those lands, I can hand them up to the committee if you would like, they're being taxed.

LEG. CARACCILOLO:

If you have them with you, could you just for the record indicate how much they would generate in tax revenues for the County and other entities?

MR. PRYOR:

There are a series of separate lots and each of them are billed separately. I'm looking at one tax bill showing accrued tax obligation of \$7,000; \$6,905.90.

LEG. CARACCILOLO:

Does it indicate the amount of acreage involved? If not, we'll just make copies and then we could --

MR. PRYOR:

I'd have to compute this for you.

LEG. CARACCILOLO:

That's quite all right. If you can just perhaps provide the Aide to Legislator Bishop with the records you have, we'll make copies and review that later.

It's been said by virtue of the Aquaculture Committee that has looked at this matter and made recommendations that they believe a lease arrangement is beneficial to the County because it allows more control and flexibility to the owner. And one might deduce from that over the long-term there might be added financial benefits to owners of property that lease versus those of owners that sell because in the future market value is enured to the new owner as opposed to the original owner. So, I mean, that's a concept that's not hard to understand; why should we set that aside in this instance?

MR. PRYOR:

Well, it's very hard to compare and contrast that which exists against that which is currently unknown. If there were a leasing program in effect right now it might be more beneficial, our concern is that might not happen in the foreseeable future.

LEG. CARACCILOLO:

Is there a concern, because I sense from the previous testimony of Mr. Parrino that maybe he feels that this process is opened up, that the very land he has farmed will be taken away from him and given to someone else. I mean, we don't know what the structure is that's going to determine that, obviously we would not be a party to a system that's going to attempt to do that or anything close to that in terms of favoritism or whatever else somebody may want to interpret from a process that would take rights away from an existing individual to someone else, unless for some reason there was justification to do that.

So there's obvious advantages to your client to maintain the current arrangement. We, however, sit as arbiter in this instance and we have to look out for the taxpayer and we have to make a judgment that's most beneficial for the taxpayer. I don't know -- I'm sorry?

CHAIRMAN BISHOP:

And the environment.

LEG. CARACCILOLO:

And the environment as well as your client; I mean, he's not going to be stepped on here by anyone unless there's a greater public good or purpose to be served.

So having said that, what compelling case can you or your client make that would have this Legislator perhaps lean more favorably in your direction than to that which I am inclined to lean towards and that's the better public good to be served here?

MR. PRYOR:

I don't believe that our position is directly inconsistent with the committee report. Our principle concern is that this has been a thorny issue for countless years and there's no reason to assume that the issue gets resolved quickly. This is a relatively small percentage of the overall lands that are in the bay and the beauty -- bays. And the beauty of our proposal and our application to redeem is that we can begin creating more shellfish immediately, not having to wait until the very difficult issues are resolved.

LEG. CARACCILOLO:

Right, I understand that. And that one might interpret as fulfilling a very self important interest versus what we have to look at here, the public's interest.

MR. PRYOR:

There's no question it benefits my client.

LEG. CARACCILOLO:

Right.

8

MR. PRYOR:

But we suggest that it benefits everybody because right now as the baymen who are appearing here today will testify, there are very little shellfish left in these bays.

LEG. CARACCILOLO:

That said, then what's the concern as far as if this became a lease proposal, your client would have an opportunity to bid for this acreage and perhaps others, he's got a track record that would seem to me, unless it's unfavorable, to work in his favor. I'm really not sure what -- outside of the self interest motive, why this process -- I understand what works for you, what I'm trying to say is we have to look at what works best for good public policy and for the taxpayer.

MR. PRYOR:

And we completely support that. We just think that in the interim, when there is no leasing program in effect and there may not be one in the foreseeable future, we can start growing clams immediately. If hypothetically this committee were able to offer my client a lease today, he might be prepared to accept it, it's just that we -- we're not even close to that point.

LEG. CARACCILOLO:

And why not?

MR. PRYOR:

Well, because as I read the committee report, it offers some very general suggestions and it hasn't resolved many of the difficulties --

LEG. CARACCILOLO:

So there isn't a timetable that you feel comfortable with that will see it's implementation any time soon.

MR. PRYOR:

There's no timetable.

LEG. CARACCILOLO:

Okay. Well, that's something then we would have to address.

CHAIRMAN BISHOP:

And the covenants that you're offering to agree to, they're at attempt to meet what you perceive as the issue that the County is raising, what the County is trying to accomplish through a lease program as opposed to an ownership program.

MR. PRYOR:

Yes. Our --

CHAIRMAN BISHOP:

See, that's -- Legislator Caracciolo and I are having the same problem, we have a conflict but we don't see what the problem is. You refer to authority, it seems like everybody should be agreeing and working this out since ultimately we want this kind of industry in the bay, I haven't heard anybody argue against that yet.

9

MR. PARRINO:

I was just trying to, by giving you that proposal, trying to open up public access to the land; it seemed like that was very important, it needs to stay public. And so by coming up with some ideas that would maybe make it more public user friendly, that's what I was trying to do.

CHAIRMAN BISHOP:

Right. All right --

MR. PRYOR:

And the other point was that we're not looking at this as a vehicle to save Paradise Point money.

CHAIRMAN BISHOP:

Right. That was --

MR. PRYOR:

If the County is looking to generate revenues from any program, we don't want this redemption to adversely impact that; we're prepared to pay whatever everybody else will be paying, we just want to do it immediately and that's the real problem.

CHAIRMAN BISHOP:

Okay. Thank you, gentlemen. Stick around please. Mr. Zeller.

MR. ZELLER:

Hi there. My name is Bill Zeller and I'm the owner and founder of Captree Clam Company. We currently do business out of Falmouth Road

in West Babylon.

(*Legislator Crecca entered the meeting at 2:56 P.M.*)

we've been there for about five years. I've been in business since 1973. I'm past President of the Long Island shellfish Dealer's Association, I sit on the board of the New York Seafood Council. I am -- just to maybe change the subject a little bit, this may not be exactly what Rob was talking about, but just an overview of the business. I'm pro aquaculture, and this is something that's fairly new on Long Island having been previously -- buying and selling wild harvest plants --

CHAIRMAN BISHOP:

Please speak closer into the microphone.

MR. ZELLER:

So we are pro aquaculture. Just a few things about my business, what we do is we buy clams, we buy and sell clams. We use -- some of our sources are Long Island. Back in the 70's on the Great South Bay the supply was huge, relatively. In my estimate, Long Island clams from the Great South Bay and other bays provided 60 to 75% of the national market. Agriculture which is -- agriculture us a form of aquaculture, or vice versa. Nine thousand years ago or 12,000 years ago, man started growing crops and this is what led to civilianization. Four thousand years ago the Chinese started fish farming, so this is something that it's relevant, other farmers are ahead of us.

10

During the 80's we had a severe decline in production. During those years, other states paid serious attention to the possibilities of aquaculture. These days, in my estimate, New York State has about 10% of the national market share, that's severely down from where it was, 60 to 75%. Other states that have paid attention and interest to aquaculture are Florida, Massachusetts, Virginia. I currently buy a very lot of clams from out of state, I would say sometimes as much as 50%. I don't necessarily like to buy. I don't love buying clams from out of state; I like it when it's Long Island's, I like it when it's a local clam. And when I'm selling nationally, which I do, I sell clams all over the country by air cargo and by truck, it's a nice selling point. It's ours, it's made in New York, that sort of thing, and it's also -- we need a product that's indigenous. And I do believe that aquaculture is a way to look into the future.

CHAIRMAN BISHOP:

Mr. Zeller, can I ask you to try to bring your remarks to the bill that's before us? You're supporting the grant program as opposed to a lease program; is that why you're here?

MR. ZELLER:

Yes, I am. Although I'm not an expert on that, my area of expertise is the marketing and the way the product is packed and bought and sold.

CHAIRMAN BISHOP:

And you see the County not granting it and as a threat to aquaculture, that --

MR. ZELLER:

I'm not sure, but what I want to see is -- to put it simply, I want to see Dave and Rob be successful. I do a lot of business with them, as they do with others. I can finish it now, but if there's any other questions. I am pro aquaculture and I am pro Paradise Point. These are hard working guys and they have got good focus and they're looking into the future.

CHAIRMAN BISHOP:

Okay. Are any of the -- from your knowledge, are any of the methods that they use to farm clams and oysters, shellfish, are they harmful to the environment at all?

MR. ZELLER:

That's a good questions. There's theories that populations of clams may help to filter out brown tide. I've been in other meetings where there's theories of the absence of populations, clams and oysters being filter feeders, have allowed to be brown tide to proliferate.

I also believe that to run equipment through bay bottom, whether it's hand raked or your feet and toes or a dredge, helps to till the soil or till the bay bottom. It's generally known that a lot of times clams won't set, clams will not -- they won't take hold if the soil or if the bay bottom hasn't been moved around and softened up. A lot of these bays now, the Town of Islip, the bay bottom is tight, the word I was looking for is recruitment. Clams aren't growing there.

CHAIRMAN BISHOP:

Why do bay bottoms get tight?

MR. ZELLER:

Because there's no movement, there's no -- like a farmer plows his field. So --

CHAIRMAN BISHOP:

What would occur naturally if man wasn't tilling the bottom of the bay?

MR. ZELLER:

Well, if man doesn't till his field the soil will get -- will not be able to recruit seed and predators can come. And in the case of a seed on the soil, the pro will come and take it. In the bay bottom, if a clam seed tries to set and can't dig in because the bay bottom is tight --

CHAIRMAN BISHOP:

But before man, I assume there were many clams here.

MR. ZELLER:

I don't know.

CHAIRMAN BISHOP:

Or is that not necessarily true?

MR. ZELLER:

I don't go back that far. The reason we do agriculture is to aid and to control.

CHAIRMAN BISHOP:

Right.

MR. ZELLER:

The reason we would do aquaculture would also be to increase our odds of success. If we wait around for Mother Nature, well, we could do okay but aquaculture is advancing technology.

CHAIRMAN BISHOP:

Any questions? Thank you very much, Mr. Zeller. Are the Rhodes together or they're separate Rhodes? All together, come up together.

MR. RHODES:

Good afternoon, Mr. Chairman. Congratulations on the election.

CHAIRMAN BISHOP:

That's not me, that's another Bishop.

MR. RHODES:

Okay, I take that back.

CHAIRMAN BISHOP:

I wish it were, though.

MR. RHODES:

Okay. My name is Tom rhodes. I have been in the industry since 1965

as an independent bayman, served as President of the Great South Baymen's Association. I also served on advisory commissions to the town.

(*Legislator Cooper entered the meeting at 3:04 P.M.*)

Baymen have a tendency to be negative and very cynical, sometimes with good reason. But in this area that we're talking about in Gardiner's Bay, my son and I are both working there, there are a couple of areas with a natural set and it's somewhat productive. But clams don't set all the way across the board, they may set in one or two miles and then you might have a couple of miles that are barren. I've looked at the proposal that Dave and his partner are proposing to the County, I think there is definitely a need, which Mr. Zeller talked about, we have to be more progressive in New York. I think that growing clams is probably the way to go.

I would be adamantly opposed if he was going to come in here and just strip-mine the entire bay and take it for himself of course, I think there is room for everybody. I'd like to see him get a chance to grow clams and I think the next generation needs something. I've been literally at one end of Long Island to the other to make a day's pay over the last ten years. The natural sets just can no longer sustain us. We do have a need for consistency and perhaps growing clams might be the way to go, so I would like to see you give him a chance. Thank you.

CHAIRMAN BISHOP:

Are you familiar with this lease versus grant argument which is playing out in front of us?

MR. RHODES:

I don't know all the details of it, no.

MR. JASON RHODES:

How you doing? I'm Jason Rhodes, I currently live in Southold and I have been working in Gardiner's Bay for the past two years. I have seen a decline in the catch from when I first got there two years ago till now. There's only currently four baymen clamming there right now.

CHAIRMAN BISHOP: And you're one of them.

MR. JASON RHODES:

I'm one of them. I've seen at the most eight over the summer, but it's not productive enough for any more --

CHAIRMAN BISHOP:

So that means that you go throughout the entire bay looking for clams.

MR. JASON RHODES:

Yeah, and --

13

CHAIRMAN BISHOP:

And you're here to support this gentleman's application to have a farm on a very small portion of it.

MR. JASON RHODES:

Yes, because I think all the clams that they'll be putting down will help reseed the rest of the bay and help us all out, basically. There is no oysters or scallops which they are proposing to also put down which would help also. That's about it.

CHAIRMAN BISHOP:

Michael?

LEG. CARACCILOLO:

Currently the State and Cornell and other entities restock or reseed the clam beds throughout the County, is that not so?

MR. RHODES:

They have on the town level and County and State, they do some seeding. There used to be programs where they used to get large, what they call spawner clams from colder waters and the idea with that is they put them in the local bays to try and get another natural set which is a very good program. I do recommend that this is continued, it gives us another shot at a natural set. The totality rate in nature is very high. Back in the 60's and 70's, which Mr. Zeller mentioned before, we had a high rate of survival and that set carried us for two decades and we haven't seen that in the Great South Bay since. But that's why the seeding, growing clams and getting clams from other areas gives us a chance, you know, for another set.

LEG. CARACCILOLO:

We're not certain as to the size of this business or business opportunity. Can you give us some idea of the scale that you're involved in in terms of annually what type of gross receipts we're talking about in your own business?

MR. RHODES:

I'm -- the State has the numbers. I'm involved for six months a year, you know, I work the local waters and six months a year I am involved in the relay program in the city which I was very hesitant to get involved in that but the industry has become -- you know, we just can't compete with a lot of the land jobs, so I had to turn to that. As far as numbers, I don't know what you mean, Mike, the production, the clam production?

LEG. CARACCIOLO:

Clam productions, tax receipts and so forth.

MR. RHODES:

Are you asking to look at my tax receipts? I don't know exactly what you're asking for.

LEG. CARACCIOLO:

I'm just trying to get an idea of what kind of revenue it generates for a small --

14

MR. JASON RHODES:

Our yearly salary, what we benefit from?

LEG. CARACCIOLO:

Well, I don't need to know your salary, but --

LEG. CRECCA:

What do clams go for these days?

MR. RHODES:

The average I'd say this year wholesale, the wholesalers pay us about 20 cents a clam I'd say was the average. And the Relay Program that I'm talking about is down to about -- I think it was like eleven cents or 13 cents depending on who you sell to.

LEG. CARACCIOLO:

And how many bushels or --

MR. RHODES:

Okay. Right now -- well, this is always a slow time, you might get one or two bushels in the water, okay, in the local bays depending on where you are, there are some areas that are more productive. In the summer your production is twice as good as that.

LEG. CARACCIOLO:

Is that a daily production rate?

MR. RHODES:

Yes, that's daily. The numbers in the relay, you're talking eight or ten bags a neck along with, oh, eight, maybe eight bags of figs.

LEG. CARACCIOLO:

So on an annualized basis, what type production would that equate to, how many bushels annually in your operation, which sounds like a rather small operation.

MR. RHODES:

Yeah, it's just independent. I don't know, I'm not mathematician. In the summer I would say --

LEG. CARACCIOLO:

I'm not the IRS, you don't have to worry.

MR. RHODES:

No, no, that's not my concern. I'm just trying to give you, you know, an honest estimation.

LEG. CARACCIOLO:

I'm just trying to get the scale here of what's out there, what type of potential is there for --

CHAIRMAN BISHOP:

A multi-million dollar business?

MR. RHODES:

Yeah, I wish.

15

MR. JASON RHODES:

No, it's --

CHAIRMAN BISHOP:

It's significantly less, right?

MR. JASON RHODES:

Yes.

MR. RHODES:

Yeah, it's very small. And the area where -- that they're arguing over, you couldn't even get a bushel a day there, you would have to spend a week to get a bushel off of that area. The other areas that we're on, you would probably average maybe ten bushels a week.

CHAIRMAN BISHOP:

How many clams in a bushel?

MR. JASON RHODES:

Five hundred.

LEG. CARACCIOLO:

Obviously any lease or grant program would have to take into account management of, you know, what's productive for the system, the ecosystem, and not just inundated with a lot of people who want to go out there and do the same thing and essentially compete to the extent that you -- an industry and are in process of doing that.

Now, it was mentioned by the previous speaker some correlation between the activity in the bays and brown tide, and there appears to be some connection between the two; are you familiar with that, with what Mr. Zeller was talking about?

MR. JASON RHODES:

Well, I know the clams are filters and they do clean the waters and prevent some of the brown tide and some of the other diseases that are out there, so I know it does help the environment, if that's what you're asking.

LEG. CARACCILOLO:

Well, Mr. Minei is here, he's the expert, we could always find out from Vito if that's been looked at and if there is any substance to that.

MR. RHODES:

I did listen to a speaker at one meeting, I think he was planting clams, I believe it was Connecticut and the way he sold it to the public was people that have the houses on the water, it makes the water a lot cleaner because clams by nature are by valves. It does make the water cleaner.

LEG. CARACCILOLO:

Okay, final question. Do you have any type of business relationship with either of the previous speakers?

16

MR. RHODES:

No, I don't; I wish I did but I don't.

MR. JASON RHODES:

No.

LEG. CARACCILOLO:

Okay, thank you very much.

CHAIRMAN BISHOP:

Thank you, gentlemen. The Riveras.

MS. RIVERA:

We have separate statements, we're here, we're married.

CHAIRMAN BISHOP:

Are you opposed on the issue?

MS. RIVERA:

I'm not necessarily opposed to it, to the caveats.

CHAIRMAN BISHOP:

Why don't you come up together. I'm just trying to organize this so we --

MS. RIVERA:

(Inaudible).

CHAIRMAN BISHOP:

Okay, then come up individually then. You're first, Karen Rivera.

MS. RIVERA:

Karen Rivera, President of { Aris Culture} Oyster Company and I've actually been taking notes, I have some answers to some of your questions. But basically, our company is not opposed to the redemption if there's a documented buffer between the existing farms that are out there and the redeemed property so that you don't have two farms butting up against each other. We have been farming out there since '93. If you --

CHAIRMAN BISHOP:

Are you on a grant?

MS. RIVERA:

I'm on a grant, yes. If you take the property for a tax deed, I feel that you need to provide opportunity to shellfish farmers in terms of leasing and do it in a timely manner, not say it's a good idea but actually do it. Because there are a lot of people out there, the industry is growing, aquaculture is the fastest growing sector in the ag industry and I have a bunch of data and statistics that you probably already heard today. But basically know, the amount of -- when you take the property, the amount of underwater land available for private use has shrunk from about 10% of the total underwater land to a little over three in an industry that's growing quite rapidly. So people are going to need access to underwater land to grow shellfish. It is not only good for the economy with an economic

multiplier of three and those dollars, I would guess, probably stay within Suffolk County. It also has environmental benefits. And my basic plea to you is to provide the industry with an opportunity to grow and feel it's good not only for the people involved but also for the environment.

You asked some questions, one question I wrote down an answer to. You asked about the Connecticut leasing program and what kind of money that's generated, you asked that quite a bit ago. That's based on --

it's a bidding program so people submit bids and I have heard bids for underwater land for as much as \$280 an acre; that's unusual, it's usually much lower than that but, you know, just to give you an idea, it ranges from what Rob said, a couple of dollars to much higher. And there are papers, scientific papers on the benefits of aquaculture to the environment, both cage cultures which provide habitat for other species and also the Saratta, Bob { Seratta } of the University of Stony Brook, MSRC, has done some work on the benefit of hard clams in terms of grazing down algae, particularly brown tide algae. And there's also documentation on the benefits of turning over the bottom with a dredge. And I will just say that the effect of a dredge on the underwater land pales compared to one good storm, wind event. You see a lot more sediment kicked up from the wind than you will ever, ever see from 50 dredges out in the bays. So that's in essence my commentary.

CHAIRMAN BISHOP:

Very good. Well organized. Any questions? So well organized there are no questions. Thank you.

LEG. CRECCA:

Thank you.

CHAIRMAN BISHOP:

Mr. Rivera?

MR. RIVERA:

Good afternoon. I'm Greg Rivera from Cornell Cooperative Extension, Suffolk County Marine Program, Suffolk County. I'm the Aquaculture Specialist there, I've been working there about 15 years now. I have had the opportunity to work with a number of folks involved in this industry, helping to get permits, including Mr. Parino and others throughout the County.

Now, I get calls probably every week for folks that want to start up new aquaculture businesses and the biggest problem is where are they going to go? Access is a problem right now. The New York State DEC's assignment program is pretty much filled up, there's no more room unless you go into the Atlantic Ocean or Long Island Sound which isn't really the best environment, either one of those, to do shellfish aquaculture. So I'm not actually here to support or unsupported anything, I'm here to support access to the underwater land. And if the county redeems the lands to Paradise Point, that is certainly one way to get access. I would also hope that Paradise Point would look at providing some of these underwater lands to others in a sublet type of thing and help other folks get access through grantees before; in other words, they do a private deal which allows someone to take maybe

five or ten acres of a larger parcel and it's worked out quite well in the past.

In the meantime, I hope that the County would work towards a leasing program. I wonder if a leasing program would be -- would happen that far east in Gardiner's Bay, but that remains to be seen.

I will leave you with a quote from the Chapter 990 Law, 1969. "It is in the best interest of the people of the State generally and those of the area in question particularly that the lands under said waters should be surveyed and managed for multicultivation of shellfish."
Thanks.

LEG. CARACCILOLO:

Greg, in your experience, do you have any knowledge of what type of arrangements are typical for leasing programs?

MR. RIVERA:

Yes. I surveyed some of the states in the past from pretty much Maine to Florida on this coast. The main thing with a leasing program, Legislator Caracciolo, is that you have at least ten years. Right now the assignment program is a one year deal, so if you go to a bank to try to get funding, it's very difficult because most shellfish take at least three to five years to grow to maturity. So let's see, you're going to plant shellfish, it's going to take say even three years to get them to size, you have a one year agreement with the State, you're not going to get any money from any smart banker. So that's the main thing. And of course, there are covenants, for instance, there might be a maximum acreage, it varies from state to state. You may have performance criteria so if you have a lease but you just sit on it and don't plant anything, that lease reverts back to the entity that gave the lease so that it can be turned over and used by others. That might be you have to plant shellfish at least every year, a certain amount per acre, maybe if there's diseases there wouldn't be exemptions from that, some states have that.

LEG. CARACCILOLO:

Since you're financing or the entities that are involved in these activities are financing from a financial institution, what type of collateral does that institution hold to make certain they get repaid?

MR. RIVERA:

It's a good question and I'm not entirely sure of the answer to that. Certainly you could put your house up if you wanted to, but --

LEG. CARACCILOLO:

So some personal assets perhaps.

MR. RIVERA:

Yes, that would be the easiest way to go. Unfortunately, in the aquaculture industry, although it's been around for a long time, there's no blue book. When you go to a bank and you want to open a dry cleaning business, they have a book that says okay, here's what the profit margins are and what they can expect out of the business, at a certain location. The aquaculture industry, whether it's growing fish or shellfish, does not have that right now; people are working on that

19

but it's not available. So it's kind of like a risky business, you know.

LEG. CARACCILOLO:

Well, that's really what I was leading up to, it is a risky business and I tip my hat to people who are involved in it because you're really subject to a lot of elements beyond your control, Mother Nature being first and foremost.

MR. RIVERA:

That's right.

LEG. CARACCILOLO:

And those Noreasters and other types of storms that kick up the bay bottom and cause all kinds of havoc. But your wife mentioned in Connecticut for example, and I'm not sure where in Connecticut, but obviously this rate fluctuates depending on a lot of things, I'm sure. What would be at the low end of the spectrum a per acre lease arrangement; she mentioned \$280 in Connecticut, what would be a mean or an average?

MR. RIVERA:

I couldn't tell you an average but I could tell you a range is probably between \$5 an acre and maybe 500 depending on where it was along the coast and also how productive the lands are as well.

LEG. CARACCILOLO:

Five dollars an acre annually?

MR. RIVERA:

Yes, that would be annually. That's a low, that's a low end it, and it can go up from there. Right now the State assignment program is \$100 for five acres, that's \$20 an acre. But you're only allowed to use the water column, you can't plant clams, clams do not do well out of the sediment over their first winter. You can grow maybe bay scallops, oysters, that's about it, no real claims could be grown on assignment. So that's the \$20 right there, break it for a year. It's renewable annually, there's no guarantee it's going to be renewed, though.

LEG. CARACCILOLO:

We heard from previous speakers some wholesale numbers of what they sell their product for. What type of profit margins are typical in the industry?

MR. RIVERA:

Well, you can really over simplify and say I can buy an oyster seed for maybe a penny a piece and I can maybe get 50 cents for them when they grow out, so that's amazing. That's a 50 -- you're getting 50 times your money back. What's not in that equation is the survival rate, of course. The fact that it takes probably three years so now it's not a year, it takes three years to get there for the most part. And to be honest, you're never going to get a honest survival no matter how good you are, you just not going to get it.

LEG. CARACCILOLO:

What's typical?

20

MR. RIVERA:

Fifty percent is about right. That's if you take care, it could be zero, it could be 80.

LEG. CARACCILOLO:

So in the present example of 700 acres, what would it cost to seed that area. And using a 50% survival -- I'm just trying to get an idea when we see a lease agreement come forth what we should -- what's realistic and what the County should make sure it's receiving so it's a fair and equitable arrangement for both the farmer as well as the taxpayer.

MR. RIVERA:

Right. If you had that much acreage, you would not necessarily see it all in one year, you would divide it up, about a million shellfish per acre is about right. So to say you're going to seed the whole thing with 700 million in the first year is doubtful, quite honestly; I'm not saying it's impossible but doubtful. If you took smaller chunks of that then, yes, and you rotate around, that's possible.

LEG. CARACCILOLO:

So a million an acre -- I won't even go to 700, let's stick to one acre -- you're saying after three years the maturity survival rate would be about a half of million?

MR. RIVERA:

Yes.

LEG. CARACCILOLO:

At 50 cents. Okay, thank you.

MR. RIVERA:

Yeah, those are reasonable numbers.

LEG. CARACCILOLO:

Thank you.

MR. RIVERA:

Thank you.

CHAIRMAN BISHOP:

Are you resigning to become a bayman? I see you're calculating furiously.

LEG. FIELDS:

What's the total?

LEG. CARACCILOLO:

We'd have to amend the ethics law, I'm not going there.

CHAIRMAN BISHOP:

No, we wanted you to resign to do it, there would be no ethical problem then. All right, continuing on the theme of 40 acres and a clam, why don't we have the department and the Aquaculture Committee representatives, if there are any, come forward; DeWitt Davies, Dr. Davies? Ah, Mr. Grier.

21

MR. ISLES:

Mr. Grier was at the first meeting when this item was brought up. He was not able to make the last meeting and we have hashed this a couple of times in the past, we don't want to redo it, but I think it would --

CHAIRMAN BISHOP:

This memorandum is helpful.

MR. ISLES:

Thank you.

CHAIRMAN BISHOP:

Here's the question I have, or are you making a statement first?

MR. ISLES:

Well, if I could just please. I think Mr. Grier would like to just provide an additional update of information and then DeWitt Davies has been involved with this issue many, many years and sat on both the Aquaculture Committee as well as the Peconic Bay Aquaculture Committee

and prepared the summary of the questions and answers. So I would just like to DeWitt to address that as well, if that's okay. I think first is maybe Mr. Grier.

MR. GRIER:

Good afternoon. I just want to make sure everybody is aware of the framework in which we're operating with this particular property. As you probably recall, this property was in bankruptcy on and off over the past 12 years. Most recently with aquaculture technology, the property was in bankruptcy, the County was successful in getting the stay lifted which enabled us to acquire the property through tax deeds.

Subsequent to that acquisition, or I should say subsequent to taking the tax deeds, the trustee in bankruptcy then sold whatever interest he had in the property to Mr. Parino. Now, just so you understand, the trustee specifically indicated that when he sold it, he sold whatever interest he had, if any. And to be perfectly honest, there is a question of whether or not the redemption aspect is a right that can be conveyed, that's not something that is conceded or anything like that so you want to make that clear. So in that framework, we're dealing with an individual who was not a prior record owner of the property but merely someone along the chain of title ostensibly.

So now we're in this redemptive period since the application was filed. And I want you to understand, as we step back one moment, the resolution that we have before us is only the first step in the whole process under our code. If this resolution were adopted, we'd have to then file a subsequent resolution to complete the process; so this isn't the end of the story, this is just the first phase, I want to make sure everybody is clear on that as well.

Now, that being said, are there any specific questions you have as I was not able to attend the last meeting.

22

CHAIRMAN BISHOP:

I have specific questions but let Mr. Davies

MR. DAVIES:

Good afternoon. I passed out a question and answer format information sheet to everyone, I hope you still have it up there, dated November 26th. And what this attempts to do is put forth some objective information with respect to some of the concerns and questions that have been raised at previous meetings of the committee on this particular subject. So we put some information here that deals with some of the historical perspective within which this particular question has developed and can be evaluated.

It indicates that Suffolk County was once very active in issuing grants for underwater land under the Peconic and Gardiner's Bays for oyster cultivation only, and this was primarily at the turn of the last century. Many of those underwater lands reverted to the County. We mention here about the creation of the Suffolk County Aquaculture Committee over a year ago and that creation of that committee was really based on a very serious concern that existed at that time concerning the use of some of the properties in question with respect to this resolution. And that involved, again, the extensive harvest of clams on some old grants using dredging technology.

The Aquaculture Committee met nine times during the course of the year, held two public hearings which were attended by about 150 people, took testimony by 41 people and came up with this report concerning the issues. It recommended that the County should take the tax deed for all private grant parcels where taxes are in arrears; that means that it would not take any property where those grant parcel were in good standing. So there are a number of grant parcels which are free and clear and can be retained under private ownership in perpetuity.

Some concern has been raised with respect to what is the difference between a lease and a grant. Oyster cultivation grants were historically issued by the County under an old New York State Law, the County is prohibited from issuing new grants because of the new legislation that was adopted in 1969. The main difference here is that grants are private property, they can be held in private ownership in perpetuity forever so long as the annual taxes assessed on the property are paid. That's a distinctive difference between a shellfish cultivation lease which are authorized under a more administrative model that convey their right to use underwater land for private shellfish cultivation purposes for a specific time period that is the term of the lease. The County would still own the property involved. It could be held so long as the annual fees are paid and conditions are met.

Why are leases the most favored mechanism? Again, it enables the management entity to exercise control over the use of the underwater land since stipulations can be included but if not met can result in at least termination. It gives the leasing authority flexibility. For example, if natural said shellfish occur on a lease, one could have the flexibility at a future point in time not to renew that lease but in fact harvestable populations for the baymen are available at

that particular location. You could have some flexibility in moving things around with respect to where leases would occur.

We mentioned here about the County taking ownership to 5,190 acres, 61 parcels due to the non payment of taxes previously owned by Long Island Oyster Farms and others and how that reduced the supply of private underwater land grants in the system. Some look at that particular event as eliminating some of the land that could be available to private parties given the fact that no lease system exists. While that is true, there is also the point of view that that creates a situation actually favoring the development of a leasing program in the future because we are actually working here to remove some of the confusion that exists with respect to the number of private parcels, the confusion as to where those boundaries are, etcetera.

Mr. Grier mentioned the fact that the County has been involved with these particular parcels for over a decade. Significant legal and other resources have been devoted to resolving this question, significant funds have been expended in suits that are associated with them. So it's not like we're just looking at these for the first time. And in fact, the County did take title to them a number of years ago and had to give them back because of a bankruptcy proceeding.

One concern has been issued with respect to whether or not a shellfish cultivation leasing program could be established or would ever be established. Having been involved with this issue for 30 years, it's difficult at best to drive an answer to that particular question in a few minutes. Suffice it to say that conditions have changed over time. The fact that natural resources out in these bays have declined actually creates a situation where aquaculture could be considered to be an approach that many people would favor today more so than in the past. There have been proposals brought before the Legislature in the past with respect to doing acquired surveys for establishing a leasing program, these have not met with acceptance at that time due to opposition. So it is a very, very very difficult issue, you just heard the tip of the iceberg in terms of pros and cons about the activity.

The Aquaculture Committee recognized perhaps the most important facet to this problem and this is the issue of location. Where in the bays should leasing occur, where in the bays should leasing not occur? You cannot answer that question in an a priori fashion. You have to find out the information with respect to what's on the bottom, is it valuable to other people, are there conflicts with recreational boaters and everybody else. The key here is to get that information, prepare the required surveys and then get the political acceptance to implement a leasing program or aquaculture in the future.

CHAIRMAN BISHOP:

My question is this, gentlemen. Given that we're talking, speaking in this instance about a very small percentage of the overall pie, if you

will, and given that everybody that's come forward from yourself to the baymen to the applicant indicates that they want to have a program of this type in the bay, and given that this is the quickest way to accomplish that, clearly, why would we want to stand in the way of

24

that? Why is it more important to adhere to our principal rather than obtain our goal that the principal is seeking to obtain?

DIRECTOR ISLES:

I think what it really says is that we are at a juncture right now that we're looking at a consolidated versus a fragmented program. The current program with the land grants, here again, beginning over 120 years ago was based on a system that ultimately was concluded to have failed. The State Legislature then modified it to basically prohibit that form in the future and to only go with the leasing program.

In and of itself, certainly there are examples as have been spoken of today of good aquaculture grant operations. However, as Mr. Davies, Dr. Davies has explained, there are numerous problems with once a grant is issued it is private land, we have litigation and bankruptcy and tax arrears proceedings that go on past a decade and so forth. That land is then taken out of play --

CHAIRMAN BISHOP:

Why don't you do this? Why don't you say, "Legislators, if you want to get these gentlemen farming and that's the policy you want to pursue, why don't we construct a lease right away for them?"

DIRECTOR ISLES:

Well, that's what we should do.

CHAIRMAN BISHOP:

That would solve the problem and then --

DIRECTOR ISLES:

Yeah. We do -- I think what we're suggesting with the aquaculture plan is to move forward with a leasing program. As explained --

CHAIRMAN BISHOP:

They have a leasing program?

DIRECTOR ISLES:

Pardon me?

CHAIRMAN BISHOP:

When can they have a lease so they won't come here every week?

DIRECTOR ISLES:

It's going to take longer than if you were to grant the redemption. However, I think, here again, we are at a juncture I think and that we have the opportunity now to actually do this in a comprehensive, consolidated way. How long would it take? State Law requires that we do the survey, and even going back to 1884, the legislation was -- the idea behind it was that the nonproductive beds would be used for aquaculture. So we would have to do that assessment of what is there presently, what is natural beds, what are the --

CHAIRMAN BISHOP:

Is there something temporary and creative that we can do to move this along, Counsel?

25

MR. SABATINO:

No. The critical juncture is that you under State law, 1969 or 70, whatever that statute was, really kind of wiped the slate clean. The important fundamental threshold determination that has to be made is a comprehensive survey and I think the State Statute even talks about the kind of things that you have to identify in the survey. It's very -- it's relatively detailed. You need that survey to be put in place, then you can adopt a leasing program, but then that leasing program also has certain restrictions; I think it can't go beyond ten years, it can't go -- I think 50 acres is the limit per lease.

CHAIRMAN BISHOP:

Here's the sense I get from looking at the body language of my colleagues. Everybody wants to get this applicant on the bay farming as quickly as possible, yet they don't like ownership, they want to have leasing ultimately control it. There's nothing that we can do temporarily that's creative that will solve this dilemma?

MR. SABATINO:

No, you've got a State statute that lays out the process. I mean, I think the Legislature made a quantum leap forward when it formed the Aquaculture Committee and basically got a more comprehensive identification of what the problems were.

LEG. FIELDS:

Dave?

CHAIRMAN BISHOP:

Andrew, Ginny, Mike.

LEG. CRECCA:

What's involved in getting the survey done, first of all; if you know, Tom, or Dave, I'm sorry.

MR. DAVIES:

There are a number of things that have to be done according to the State Statute. And in fact, you'd have to determine the location and boundaries of existing grants that were in good standing, you'd have to determine the location of a line a thousand feet offshore around the bay within with leasing would be prohibited.

LEG. CRECCA:

You're a level above where I wanted to --

MR. DAVIES:

Okay, many, many different things.

LEG. CRECCA:

Yes. What has to be done in the sense of -- we would hire somebody who is an underwater land surveyor; is there such a thing?

MR. DAVIES:

That would be -- that's one of the issues. You'd also have to get information about where scallops are produced and harvested on a regular commercial basis, that issue is somewhat clouded today because of the fact that lots of time has passed since this 969 law was

26

adopted. You have to get information on the natural system, the Peconic Estuary Program will start that process.

LEG. CRECCA:

Obviously we don't have that expertise here at the Legislature, I'm sure.

MR. DAVIES:

Right.

LEG. CRECCA:

Even within our Executive Department, I don't think we have the expertise to dot that type of comprehensive survey. I guess my question is, like everything else in the world, there are people out there who have the knowledge to do that; would that be someone like Cornell Cooperative or would that be -- if you know the answer, anybody up there. Is there someone we would --

MR. DAVIES:

It's a number of disciplines that would be required.

LEG. CRECCA:

A number of what?

MR. DAVIES:

A number of disciplines were required to get the required information.

LEG. CRECCA:

So we would have to -- is this the type of thing we would put out an RFP for probably?

MR. DAVIES:

It could be done that way.

DIRECTOR ISLES:

Yeah, possibly.

LEG. CRECCA:

And now regardless of whether we do this one or not, we still own -- I don't remember the numbers, but we own a significant number of underwater acres of land, correct?

DIRECTOR ISLES:

Yes.

LEG. CRECCA:

So regardless of whether we do this individual redemption or not, this is something that if we want to go forward with it, aquaculture, aqua -- am I saying it right?

DIRECTOR ISLES:

You're saying it perfectly right.

LEG. CRECCA:

An aquaculture program, than we're going to have to do the survey of

all the lands, both those that we own and those that are under grant currently, correct?

MR. DAVIES:

That's correct.

DIRECTOR ISLES:

Right.

LEG. CRECCA:

So I think that would probably be the next step, would be to -- and correct me if I'm wrong, but we should -- maybe at the Legislature we should draft a resolution directing the appropriate person within our government to prepare an RFP to do these surveys. I mean, in the long

run this is something that I think would be economically beneficial to the County, it would good for the aquaculture industry and in that respect would help our local economy too and allow us to capitalize on the fact that we're an island with rich resources --

DIRECTOR ISLES:
Right.

LEG. CRECCA:
-- and still generate income in the long-term for the County.

DIRECTOR ISLES:
I think that's the direction we want to go in, something that long-term is going to make the best sense for the County, something that will best promote the industry and not just a piecemeal, ad hoc type basis. And I concur with the statement, I think we had some initial concerns with the Aquaculture Committee but I think it was highly productive in taking a very complex, complicated subject and putting forth some clear recommendations. Their policy choice is on your part but at least it got it to that point.

LEG. CRECCA:
Well, what I will say is I'd be happy to work with the Chairman and Legislative Counsel to draft the appropriate resolution so we can move forward on this and get a survey going. And Counsel, let me work with you because you seem to have somewhat of a knowledge of it and --

MR. SABATINO:
I'd be happy to. The only -- I'd be happy to. The only question that was left unclear to me was is this in Public Works' expertise or do you feel it's more for Planning to go find somebody? Normally I would think Public Works --

DIRECTOR ISLES:
Right.

MR. SABATINO:
-- but I wasn't clear because I was distracted when that question was raised.

LEG. CRECCA:
Well, couldn't we form an RFP committee, or you don't do that, to draft an RFP or no, or just direct Public Works?

MR. SABATINO:
Yeah, you can break out of the mold and do it that way, I just --

DIRECTOR ISLES:

It is interdisciplinary, as DeWitt said, because the Department of Public Works was heavily involved in the committee on the survey aspects, that is a requirement of State Law. The Department of Health, the Office of Ecology has been very involved in the Peconic Estuary Program, they're now doing Benthic mapping presently on the bay bottom, and then also obviously the legal as well as the Planning departments and so forth.

Also, the other factor in addition to the State of New York supporting this Department of Environmental Conservation, I think the other aspect is that, you know, if we identify things in the 1969 law that maybe do need to be adjusted based on current technology, Legislator Guldi had talked about this in the committee extensively, how we can simplify the mapping and speed this along and so forth, and perhaps a visit to the State Legislature might do that.

MR. SABATINO:

That was my other thought which is if the -- I was thinking as Legislator Crecca was speaking if the survey is too expensive and too complicated and too time consuming, the more direct clean approach would be to get the State Legislature to change the contours and the parameters of what they've done, but that's a whole nother (sic) avenue and battle.

CHAIRMAN BISHOP:

Legislator Fields.

LEG. FIELDS:

One of my questions was already asked, but this question I guess is directed to all three of you. What's the next step if you were going to progress past the committee that you put together and all of your recommendations?

DIRECTOR ISLES:

The next step is an executive legislative direction in terms of what does the County of Suffolk want to do relative to an aquaculture program. So the question is the fork in the road, continue the grant or this current situation of redeeming grants. We're moving forward with a leasing program, perhaps in a modified form as just explained, but that's really what it comes down to. Then that does have implications in terms of the structure it's going to take, any budgetary needs that that may have to implement it and actually moving forward and getting the information then to identify from a locational standpoint where is it appropriate to do aquaculture, set up leases that are viable for the industry to work with and where it's not appropriate where there are conflicts with wild fishing interest, recreational interest and so forth.

CHAIRMAN BISHOP:

Before I let Legislator Caracciolo ask a few questions, Mr. Grier, I have a question. When somebody redeems and they get back the deed, correct, that they lost to the County, is it possible in that process to change the rights under the deed?

MR. GRIER:

Under normal circumstances I would say there are certain things that could be done, but in this case the State enabling legislation that granted the property to us governs. So any of the grants that back from 1884 would still be in effect and govern the operation of those properties.

CHAIRMAN BISHOP:

So you would say that it is impossible to do the fine which is what I would hope would occur which is to grant -- allow the redemption to occur, grant them the right or grant them the land but have it exist so long as there is no leasing program; when a leasing program comes into effect, their ownership would terminate and then they would be required to enter into a lease. That way they could start and do what they need to do, and while we figure out, you know, and get everything aligned for our leasing program, we don't have the pressure of applicants like this coming forward.

MR. GRIER:

Well, one problem you have even with granting the redemption is the fact that under the original legislation, the purposes for which the lands were granted could not take place in areas where natural clam sets were in existence, and that's in conflict with the State legislation should the redemption go forward. Because there is natural clams there and the original grants are for oyster culture only but in areas where there are no natural clam beds and that -- in this case, this area that is being redeemed is a natural clam bed.

CHAIRMAN BISHOP:

Even if they redeemed, you would argue that they couldn't do their business; is that correct?

MR. GRIER:

That is a significant concern regarding the ability to even allow the redemption.

CHAIRMAN BISHOP:

Okay. Legislator Fields and then Legislator Caracciolo.

LEG. CARACCILOLO:

I don't know if you could answer this, David, but are there really any natural grown, naturally grown clams any more? Don't the townships

and others seed and, therefore, if you wanted to say it's naturally grown, it's really not naturally grown?

MR. GRIER:

Mr. Davies would be better able to answer that question than I would.

30

MR. DAVIES:

The property in question that was utilized by Aquaculture Technologies, formerly owned by the Long Island Oyster Farms, had not been harvested for on the order of 15 years. During that 15 year period, and this was during the period during which brown tides were extensive, a natural set of clams occurred on many of those grounds and that was the area that was harvested by Aquaculture Technologies during a period of about three years ago when plus or minus \$500,000 worth of clams were harvested from the beds in question. So the answer to the question are there natural sets; yes, there are, they vary in location and extent, you know. In this particular case --

LEG. FIELDS:

Can you prove that they're natural, though? I mean, how do you know that they didn't, you know, float in to that area and they were seeded by someone else; how do you prove that?

MR. DAVIES:

They're natural in the sense that they weren't planted there by any particular company or individual. They may result from spawn, the source of which anybody could guess. There are lots of clams at low density throughout many of these systems, they do contribute spawn to the system. And to determine whether or not a specific clam originated from spawn that came from natural clams or from an aquaculture operation would be nearly impossible to determine if, in fact, you're dealing with, you know, a specific type of clam. If you used genetically marked clams like {Notata}, you might be able to get away with that. But it's very difficult to give you a precise answer as to whether or not the natural clams that are occurring in these areas are from natural or aquaculture sources.

CHAIRMAN BISHOP:

Mr. Caracciolo.

LEG. CARACCILO:

Legislative Counsel, a follow-up on an earlier question raised by Legislator Bishop. Is there any way to provide a mechanism, an agreement, an interim agreement with the applicant and the County to lease these lands or purchase these lands, pay the back taxes, subject for a definite period of time until such time as the County is able to have surveys taken? I would like to know what the survey costs may be

because we should get a sense now of what kind of costs are associated with that.

My sense is from what I'm hearing that this isn't going to happen, the implementation of this program is going to take a considerable amount of time. Before Counsel responds to my question maybe, Mr. Isles, could you respond to the question of how much funding would be necessary to accomplish the goal and what would be a minimum time table?

DIRECTOR ISLES:

Well, I can't give you an exact answer on that by any means. The committee did start to look at that. We did interview some surveying firms and so forth to get numbers on that, I don't have those in front

31

of me but I could furnish those to the committee; it's in the hundreds of thousands of dollars as I recall.

And in terms of the time, here again, it's certainly not going to be something where in six months a leasing program could be ready. There's a fair amount of information that would have to be gathered and I cannot give a precise answer but, you know, could it take a year, two years, something of that nature, certainly it could. Here again, I can speak with DeWitt on that and we can try to get a handle on that but it would only be an estimate at this point in time.

LEG. CARACCILOLO:

With respect to the applicant, is there any type of interim agreement that could be implemented subject to the final implementation of a County wide lease program?

MR. SABATINO:

I can't think of a way around the State legislation. It's pretty clear cut in terms of what you have to do to get to that next stage, that's why -- building on what you just said and also what Mr. Isles had said, I think maybe another threshold question would be whether or not, even if you were willing to spend the money and the time, could the survey that's contemplated by the parameters in the State Statute actually be done? I mean, is it something that's feasible just from a purely technical standpoint? Because if it's not, I think maybe going the State route and trying to get the State legislation changed to shorten this process might make more sense. But I don't know the answer to that threshold question.

LEG. CARACCILOLO:

I also know that the end of your report to Mr. Isles, Dr. Davies, that you indicate that the State should be encouraged to participate with

the County. And given the magnitude of State financial difficulties, the County's own financial shortfalls thanks to unfunded State mandates, etcetera, that that in and of itself could take a couple of years to work itself out. But if Counsel, I think for the applicant's benefit that needs to know that while we appreciate seeing you every committee meeting, at this point it appears our hands are tied and we can't act on your request until other things that have been discussed here today actually take route, and that's going to take probably two years. So for the time being, you may have to just accept that because we cannot supercede State law. And I would appreciate that information from you, Mr. Isles.

Budget Review Office, where would several hundred thousand dollars in survey costs, what budget item or budget line category would that money be appropriated from; would that be considered a Capital expenditure or an Operating Budget?

MR. DUFFY:

I believe it would be an operating expense.

LEG. CARACCILOLO:

Operating, okay. So for those present, the way the County budget process works, next year's budget has been adopted, the only way it can be amended is that if an amount equal to the actual survey cost --

32

in this case several hundred thousand dollars -- could be identified in the existing County appropriations and transferred, what we call an offset, so there's no net tax increase to the taxpayers, we can't even accomplish that goal. Is that to say we won't be able to do it? No, it just means it makes it more difficult to do and do it in an expedited manner.

MR. SABATINO:

There would be one option. If the -- there's currently legislation pending to suspend for one year the 5-25-5 restrictions, if that's adopted there would be a period during 2003, it would probably be like the last ten months, during which there would be a capability of borrowing for what otherwise would be, as Kevin stated, an operating cost. So there is an option if this other law passes in the intervening period. But I still think we need to get a handle on whether or not it's worth the time, the money and the effort from the standpoint of actually --

LEG. CARACAPPA:

Yeah, the scope and the interim difficulty of the task may be beyond --

MR. SABATINO:

Yeah, because reading the statute -- and I'm not an expert but it struck me that maybe it would be feasible to do and I think we should collectively know that because we go down that path.

LEG. CARACCIOLO:

How soon can we -- would you be able to make those determinations?

DIRECTOR ISLES:

We can do a review now. Now, the question is going to be how in-depth can we give you an answer. We're dealing with, number one, a pretty large topic number one but, number two, something that's a little bit of an unknown. So I'd like to consult with obviously DeWitt but also Vito Minei and so forth and probably Charles Bartha from the Department of Public Works and put together a --

LEG. CARACCIOLO:

We're talking at a minimum of a couple of months.

DIRECTOR ISLES:

To give you a response?

LEG. CARACCIOLO:

Yes.

DIRECTOR ISLES:

That would be safe, yeah.

LEG. CARACCIOLO:

Because, you know, this -- we have no familiarity with this project.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

I mean, you may have to reach out to other jurisdictions that have been involved in this to find out exactly what the scope and the depth of this project might entail.

DIRECTOR ISLES:

Right. And as you said, too, that if the County is going to embark in this direction we want to have a pretty good handle on what that means, what that cost is and so forth.

LEG. CARACCIOLO:

Okay. Now, given the legislative calendar, we have one more committee meeting in December, we then go into the Organizational Meeting in

early January, committees would not be held until the end of January; so would that be a reasonable timetable for you to get back to this committee?

DIRECTOR ISLES:

Yeah, we could certainly report back to you and have as much information as we possibly can at that point to give you that kind of feedback.

LEG. CARACCILO:

Thank you.

DIRECTOR ISLES:

Okay.

LEG. FIELDS:

May I?

CHAIRMAN BISHOP:

Legislator Fields.

LEG. FIELDS:

If you had a person that knows how to do this kind of a survey, how long -- or DeWitt, maybe you'd be better to answer this -- how long do you think it would take to actually complete the survey; how many miles or acres are we talking about?

MR. DAVIES:

There are different ways to do this. There's 110,000 acres of underwater lands in the system. There are different aspects to the survey, some involve boundaries. There has been some information generated on that particular issue for the Department of Public Works by reducing the number of parcels involved, etcetera, there could be considerable cost savings with respect to actually locating parcels in the field.

The other aspect is natural resource space. Vito Minei's office has already been involved in a Benthic mapping project for portions of the Peconic Gardiner's Bay system and Vito can answer this question better if he was here. I think they have a proposal or have some thoughts about what it would take to do the entire Peconic Gardiner's Bay System utilizing that particular research protocol. Another way to look at it, if you can segregate portions of the Peconic Bay System

and deal with smaller areas, you might be able to do all the components of a survey for a specific portion of the system as opposed to the whole system in its entirety, therefore, achieving some savings

in that regard. You might be able to a priori} eliminate some large areas from the bay system for further consideration because of things we already know about them. They may be productive, they may have a lot of fin fishery activity, etcetera, and the conflicts there would be greater, you might want to sort of target the areas that are perhaps less utilized. And the mine fields with respect with respect to getting a lease program implemented would be a lesson in that regard. So there's ways to sort of tailor this survey I suspect to the resources that are at hand but, you know, the preliminary numbers for something like this, there are hundreds of thousands of dollars to do some of this work, no question about it.

LEG. FIELDS:

Would it take more than one person to do it?

MR. DAVIES:

It would require different types of expertise to do it.

LEG. FIELDS:

Would it not be something that the County could contemplate as to hiring a person and working for the County to do it instead of contracting it out to someone else and it would be a person that would be hired for a set amount of time?

MR. DAVIES:

Uh --

LEG. FIELDS:

You know, maybe you could pay somebody 50 or \$60,000 and that person could be an underwater surveyor, you know what I'm saying?

MR. DAVIES:

Some of the expertise is quite specific. For example, if Benthic mapping is a requirement, that requires scientific expertise. If title searches and boundary determinations are a requirement, it has to be addressed and that would require, you know, a marine surveyor to look at the issue. I think there are obviously people outside the County that would have that expertise, but they'd have to be, you know, found and queried about what it would take.

LEG. FIELDS:

Maybe could you get us that information the next time around so that we -- you know, that may be a way that somebody working in Stony Brook or DEC, I don't know, maybe someone has that expertise. And it might facilitate it if you had a person that could do it and would have some kind of knowledge about it and perhaps they could work for us and it would be -- save us thousands and thousands of dollars, maybe. What about the Regional Planning Board, would they . . .

DIRECTOR ISLES:

Would they?

35

LEG. FIELDS:

No?

LEG. CARACCILOLO:

Would they have the expertise?

DIRECTOR ISLES:

Not that I'm aware of, no.

CHAIRMAN BISHOP:

Okay. Thank you. Thank you, gentlemen.

MR. DAVIES:

Thank you.

DIRECTOR ISLES:

Thank you.

LEG. CRECCA:

Thank you, guys.

CHAIRMAN BISHOP:

Motion to take 2043 out of order by Legislator Caracciolo, second by myself. All in favor? Opposed? 2043 is now before us.

2043-02 - Declaring a governmental need for underwater lands located in Peconic and Gardiner Bays (County Executive). What is the committee's wish? I would make a motion to table.

LEG. CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Caracciolo.

LEG. CRECCA:

On the motion?

CHAIRMAN BISHOP:

Yes.

LEG. CRECCA:

2043 is actually so that the County -- we take the property, that's what it --

CHAIRMAN BISHOP:

Right.

LEG. CRECCA:

I just want to be clear on that. Well, I would make a motion to approve.

CHAIRMAN BISHOP:

Okay; is there a second? Tabling motion takes precedence. From my perspective, the purpose of tabling is to provide an incentive for the

36

appropriate agencies to keep this on the front burner and keep it moving.

LEG. CRECCA:

How does that -- I'm not arguing with you, but how does that keep it on the front burner?

CHAIRMAN BISHOP:

Well, we're not -- we're not declaring -- we're not moving forward a process to --

LEG. CRECCA:

To take the lands.

CHAIRMAN BISHOP:

-- to take it away from a potential lease; is that right?

LEG. CRECCA:

Okay. Well, the only way to get the ability to lease this land is to take it, no?

CHAIRMAN BISHOP:

In theory, if they were to not move forward, if they the Executive Branch were not to move forward on steps towards leasing, then we could --

LEG. CRECCA:

You can let them --

CHAIRMAN BISHOP:

-- vote this down and, in essence, declare that we want to have this redeemed and granted.

LEG. CRECCA:

Mr. Chairman, will you --

CHAIRMAN BISHOP:

We're not willing to do that either, we want to --

LEG. CRECCA:

And will you speak to the County Attorney about other possibilities with this like you talked about --

CHAIRMAN BISHOP:

I --

LEG. CRECCA:

With the reverts clause.

CHAIRMAN BISHOP:

Yeah. And you're filing a bill to move the process forward --

LEG. CRECCA:

Right.

37

CHAIRMAN BISHOP:

-- which I intend to support. There's a motion and a second. All in favor of tabling? Opposed? 2043 is tabled (VOTE: 5-0-0-0).

We have one card before the agenda, Mr. Don Garber who's been waiting patiently and has learned an awful lot about aquaculture.

MR. GARBER:

I'm going to get a lease as soon as I can.

CHAIRMAN BISHOP:

Yes.

MR. GARBER:

For the record -- good afternoon, by the way. For the record, my name is Don Garber, I'm with the Setauket Civic. Setauket Civic -- I want to address the acquisition, hopeful acquisition of the Sherwood-Jayne Complex. Setauket Civic has been working to that end for more years than I care to think about. Actually, the current president of the Setauket Civic is here in the back as are some others.

I'd like to make a number of quick points about the Sherwood-Jayne Complex. One, the Sherwood-Jayne Complex is an enormous gem. For those that may or may not be familiar with it, it involves a house from the 1700's, orchards, it has fields where sheep are raised and are demonstrated, farming fields. To its north there is a large tract of woodlands and I would like to emphasize that in this woodlands resides an extremely important fresh water wetlands. Along Route 25A,

which is what this property comes close to, is a lens of clay called the Smith Field Lens. It has a bog area on top of it, it feeds down water through a long road along {Banbrock Manor Road} into Setauket Harbor. It's an important integrated thing. This wetlands, if it were disturbed, could be opening an enormous Pandora's box, because where there's building elsewhere on such aquifers, it ends up being a disaster of trying to mitigate flooded roads and the like. So while the woods are this gorgeous tract of Oak/Hickory moraine, the actual important part is the wetlands; environmentally it's a very sensitive wetlands.

CHAIRMAN BISHOP:

May I ask you some questions?

MR. GARBER:

Yes.

CHAIRMAN BISHOP:

There's two resolutions on this, one has Farmland Development Rights program which I understand with the Town of Brookhaven would be contributing towards?

MR. GARBER:

Yes, 70/30 is my understanding.

CHAIRMAN BISHOP:

Okay. I have some answers, I think. The first resolution is for ten

38

acres and that's the farm, the active farm portion of this property. It's 49 acres altogether, ten acres is a farm, right?

MR. GARBER:

That's right. The way the -- well, the whole complex is one, but the way the acquisition has been structured is that the farm area SPLIA would retain title to -- by the way, this is all secondhand, I'm with the civic association -- but would retain title to and that it would be a purchase of the agricultural development rights.

CHAIRMAN BISHOP:

Okay. That would --

MR. GARBER:

SPLIA would redeem this and continue their demonstration, maybe expand their demonstration programs from students throughout Suffolk County.

CHAIRMAN BISHOP:

Okay. So that that requires a the town match, right?

MR. GARBER:

And that has I think a 70/30 town match.

CHAIRMAN BISHOP:

Now, is that town match in place?

MR. GARBER:

It's my understanding it is.

CHAIRMAN BISHOP:

Counsel?

MR. SABATINO:

My understanding is that the town was supposed to be coming forward but I never actually got the copy of the resolution. So I have it in my notes as something that was in the process but I never personally got the copy.

MR. GARBER:

Jim Burke was here just a moment ago.

CHAIRMAN BISHOP:

Jim Burke, did the town do a Farmland resolution yet; yes or no?

DEPUTY DIRECTOR BURKE:

I spoke with the town, I don't know if they have done it yet. They are in the process of doing it.

CHAIRMAN BISHOP:

Okay, it's pending; it's pending but they're favorable towards it.

DEPUTY DIRECTOR BURKE:

I didn't know there was a prior approval for Greenways on this piece.

CHAIRMAN BISHOP:

Greenways.

DEPUTY DIRECTOR BURKE:

Greenways Farmland just to show that it's the front ten acres --

CHAIRMAN BISHOP:

Oh, I see.

DEPUTY DIRECTOR BURKE:

-- for the property. So all that, just to let you guys know, is just to --

CHAIRMAN BISHOP:

Okay, I see.

MR. GARBER:

And it went through the Farm Bureau, all those approvals.

CHAIRMAN BISHOP:

The second question I have is on the other acre -- maybe, Jim, you can -- and Christine, you can stay here. The rest of the property is not a town match, that's 100% County money?

DEPUTY DIRECTOR BURKE:

That's correct.

CHAIRMAN BISHOP:

And which program is that coming out of?

DEPUTY DIRECTOR BURKE:

Multifaceted I believe.

CHAIRMAN BISHOP:

And is this an authorization or is this planning steps?

DEPUTY DIRECTOR BURKE:

This is authorization, prior to planning steps.

CHAIRMAN BISHOP:

This is the full monty, this is the full commitment to 3.2 million.

DEPUTY DIRECTOR BURKE:

Correct.

LEG. CARACCILO:

Okay. What do we have as a fund balance in the Multifaceted Program?

DEPUTY DIRECTOR BURKE:

Tom has that, Tom Isles has the record, he's out in the hallway conferring on something else.

DIRECTOR COSTIGAN:

All right. Because that was a \$13 million program and I'd like to know how much we've drawn down on that.

DEPUTY DIRECTOR BURKE:

I think we've only really done to date closings for this year is just the one piece in Huntington, so I think we do, we have --

CHAIRMAN BISHOP:

My question with regard to that program or any other program is not what the balance is so much as what do we have outstanding that's in planning steps right now? Do we have a lot of planning steps resolutions that are seeking to --

MR. SABATINO:

But the key to that -- Mr. Chairman, just to interrupt. The key to that fund is that's a Capital Fund which will expire at the end of this year, so. Unless you can appropriate the money before December 31st for a particular program, like this one does for the 3.2 million, that particular cycle of funding for this year is gone. This is not like the Quarter Percent which rolls from year to year.

CHAIRMAN BISHOP:

Okay.

MR. SABATINO:

Greenways rolls from year to year, this is --

CHAIRMAN BISHOP:

Right. Okay. Right, you're right. Point well made. Yes?

LEG. CARACCIOLO:

Do we have an answer to how much has been multi --

CHAIRMAN BISHOP:

It doesn't matter.

LEG. CARACCIOLO:

I know it doesn't matter, it doesn't matter for the present resolution but --

DIRECTOR ISLES:

So the question is exactly how much is left over?

LEG. CARACCIOLO:

What's the current fund balance? I want to make sure it's more than \$3.2 million, that's all.

DIRECTOR ISLES:

The current fund balance is about \$11,250,000. When we consider what is --

LEG. CARACCIOLO:

I'm sorry, Tom; how much?

DIRECTOR ISLES:

Eleven million two hundred and fifty thousand dollars when we consider

what has been purchased and what is in contract; according to my records, available at the moment here.

LEG. CARACCIOLO:

Unrelated but out of curiosity, do you expect to draw down any of that \$11 million before the end of the year? Assuming this resolution were approved, that would bring you down to eight million?

41

DIRECTOR ISLES:

We have seven or eight resolutions that have been approved by this body, four acquisitions, a number of those we consider to be active in terms of their -- they have not been rejected.

LEG. CARACCIOLO:

Are they imminent to the point that we will be able to spend that money before 12/31/02? No, okay. That was the question. Now, the next question is what did this rank on our criteria?

DIRECTOR ISLES:

This is the Sherwood-Jayne House?

DIRECTOR COSTIGAN:

Yes; 49.

DIRECTOR ISLES:

This ranked at about ten.

LEG. CARACCIOLO:

Forty-nine? Okay. And this has been negotiated, the purchase price?

CHAIRMAN BISHOP:

It's not 49, it's ten.

MR. GARBER:

Yes.

DIRECTOR ISLES:

For Capital Budget purposes?

LEG. CARACCIOLO:

I'm sorry?

DIRECTOR ISLES:

When you say ranking, is that for the environmental ranking or the Capital Budget ranking?

LEG. CARACCIOLO:

Yes, the environmental.

DIRECTOR ISLES:

The environmental ranking, we came up with ten at this point.

LEG. CARACCIOLO:

I just heard 49 now I'm hearing ten and I have a real problem.

DIRECTOR ISLES:

I think that we were --

LEG. CARACCIOLO:

How do we justify a ranking of ten spending \$3.2 million?

DIRECTOR ISLES:

I'm not saying that we do. The --

42

LEG. CARACCIOLO:

Well, what's your recommendation, what's the division's recommendation.

DIRECTOR ISLES:

At this point, the typical threshold for an acquisition is recommended at 25; however, let me just make two points. Number one --

LEG. CARACCIOLO:

I have a real problem when resolutions come before this committee and there isn't full disclosure when something doesn't meet our minimum criteria and we're talking about and almost voting on spending \$3.2 million.

DIRECTOR ISLES:

We have prepared a fact sheet as requested by this committee, we have that available to hand out which gives the ranking and all the facts that you're previously requested. So that is available with the aerial and --

LEG. CARACCIOLO:

But I shouldn't have to pull that information out.

DIRECTOR ISLES:

I'm not saying that you have to but -- so number one is that that's what the ranking is and I think there's two points I wanted to make on that. Number one is that the ranking form is a County wide ranking form that ranks based on about 12 criteria. Sometimes the Legislature has felt that that's not appropriate in every situation, that's for you to judge.

But secondly, in conversations with Mr. Garber, at this point we don't identify wetlands in the property or water course in the property based on the mapping references that we have from New York State and so forth. There may be a belief, the information I've heard today, that there may be wetlands, perhaps regulated by the Town of Brookhaven; if that were to be the case then that would increase the ranking somewhat.

LEG. CARACCILOLO:

This County just went through a period a year ago where the division director is now under all types of investigation, there's all kinds of scrutiny on this County with regard to its Land Acquisition Programs, and I for one will not sit idle and watch this committee or this Legislature just blindly vote on resolutions with all of the facts. So hence forth, I want to know on each and every resolution before a motion is made whether or not it qualifies under our base criteria.

DIRECTOR ISLES:

I think one point with this one is that the original resolution was approved in August, 2001. At that time, when I read the minutes on this meeting there was no discussion of ranking and so forth. You're absolutely right that there's been more interest in this committee certainly and having that information, we have prepared that information for you today and if you have any questions we'll do our best to answer those questions.

43

LEG. CARACCILOLO:

The question again to both Mrs. Costigan and yourself.

DIRECTOR ISLES:

Pardon me, I'm sorry, sir?

LEG. CARACCILOLO:

The same question I posed a moment ago; do both of you support this acquisition?

DIRECTOR COSTIGAN:

Yes, Mr. Caracciolo. May I just back up? In response to your first question of the ranking, the 49 is the Capital ranking --

LEG. CARACCILOLO:

Okay, but that's got nothing to do with ours.

DIRECTOR COSTIGAN:

-- which is in the resolution; I just didn't want you to think we were misleading you.

LEG. CARACCIOLO:

Okay.

DIRECTOR COSTIGAN:

But we --

LEG. CARACCIOLO:

No, it wasn't you, I heard it up here at the horseshoe.

DIRECTOR COSTIGAN:

We support the resolution enthusiastically. You don't have the facts because it's not up yet for your vote, we're just here because it was Mr. Garber, we're in the public sector. This is a beautiful piece of property, it's spectacular.

LEG. CARACCIOLO:

But how do we justify giving our -- are we violating our own criteria is my question?

DIRECTOR ISLES:

Well, you would be making an exception to that. We did not sponsor it, the local Legislator did and we certainly encourage that and so forth.

LEG. CARACCIOLO:

Which I would have encouraged her to do the same thing.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

But this committee has a responsibility to make sure that anything we consider and approve meets our base criteria. And if it, doesn't from my perspective there has to be some compelling reason why we have to lay that aside and approve it.

DIRECTOR ISLES:

I think you're right, there has to be a reason, I think that's exactly the point. The criteria measures such things as surface water and ground water impact. It favors very heavily such as the Pine Barrens Core, special groundwater protection areas, title and fresh water wetlands, special views, trail links, proximity to other County land; so those are the aspects that enable a high ranking on a parcel. This one is somewhat on its own at the present time.

And I think what I've -- in terms of your consideration, does this one

warrant an exception, would be it is in western Suffolk, it's a more developed area, it's not going to have the same characteristics as eastern Suffolk County. But we intend to give you the facts as it lays out. At the present time it's a ten, possibly if we do further -- let me just make one other point, Mr. Caracciolo, too, and that is that this resolution also requires a review by the Parks Trustees and the Council on Environmental Quality, so we would recommend tabling today. Here again, this is -- we're at the public session at this point so we haven't made a formal presentation. But we could do that additional work, we could have a discussion with Parks Trustees about it and then perhaps if it does truly qualify or if there are reasons to -- that we haven't considered we could factor that into it.

LEG. CARACCIOLO:

So you are not recommending it at this time.

DIRECTOR ISLES:

Well, speaking from a planning and environmental standpoint, looking at that typical criteria, it's not going to rank very high. I think the question is -- and I grew up in Setauket, I know it very well -- does this warrant special consideration by some of the aspects that maybe the ranking form doesn't pick up; it's not State regulated wetlands, perhaps it's town regulated. It is part of a stream corridor that does eventually go down to Setauket Harbor through Poquott. You know, through further examination, if those aspects are real, if they are factual and so forth then perhaps.

The only other aspect of it I think that does give it extra merit is probably one of the last remaining large blocks; it totals about I think 46 acres minus the Homestead. That does give it extra points in the County ranking system because generally speaking the County park policy is to go for larger tracks of land, not smaller tracks, it's very difficult to do in western Suffolk but this is one parcel that would probably rank pretty well in that sense.

LEG. CARACCIOLO:

In the future, I just want to reiterate my request that there be full disclosure right up front when any discussion comes up on a pending resolution as to whether or not it meets our base criteria.

DIRECTOR ISLES:

Right, and that's why we've prepared that today. And I think what this gets to is the question of planning steps versus authorizing resolution. And this one started off at a time a year-and-a-half ago when the planning steps process was pretty common. I think what we have to do, and I would suggest to the committee then on that first

step, the planning steps step, that becomes a critical step. Because once we get going on that, the Real Estate Division has obviously done appraisals, they've --

LEG. CARACCILO:

Sure; they shouldn't bother if it doesn't have --

DIRECTOR ISLES:

Exactly, and we've --

LEG. CARACCILO:

-- the acquiescence of the committee and the Legislature to go forward.

DIRECTOR ISLES:

We've represented in the good faith of the County of Suffolk in negotiating with owners and so forth. So I think as new planning steps resolutions come up, obviously this should be looked at with a ranking or other criteria that this body deems appropriate.

LEG. CARACCILO:

Thank you.

CHAIRMAN BISHOP:

I take exception to that last part of the dialogue but I'll get into that at another point. Legislator Fields?

LEG. FIELDS:

This form that you just provided us with, at the very bottom it says, "Reviewed by division director, Reviewed by department head, date, date"; what's the purpose of that?

DIRECTOR ISLES:

Okay. The purpose of that is Resolution 425 which are the new standards for the Real Estate Division require compliance review. Obviously we're required on the staff level to review and in this case it's an acquisition in excess of a million dollars, you're required to approve the acquisition; we're working on generating forms to do that. At this point in time, this one does not have CEQ, does not have Parks Trustees, but the legislation requires that there be a review by the division director and the department head, whether that be something that's expressed in a written form or whether that be something we do in testimony to you, that's something that's being shaped up at the present time.

LEG. FIELDS:

So according to what we reformed in the Real Estate Department, this is in conjunction to that but we don't know at which process you would sign-off on this, whether it's before it goes to CEQ -- in other words, I'm looking at this thinking that a compliance review has been

done and that it tells you where it is, how many acres, how it ranks, the appraisal, you know, the other information, and I'm thinking that you should have reviewed that and signed off on it; or you're saying, well, no, we're not going to sign this until it goes to CEQ and it goes to Parks Trustees. So at which point should this -- because that might help. And Legislator Caracciolo's request is early on, have you

46

reviewed this and what do you think or, you know, what's the purpose of even having it on now as we get it? That's the first part of my question and then I have a second question.

DIRECTOR ISLES:

Okay. Well, this one is falling on the cusp of the two different procedures. Legislator Caracciolo had requested back in September that certain information be prepared, I had discussed that with the Chairman of the committee and we're attempting to comply with that as best we can. Obviously Resolution 425 also impacts on this. I would think that we would not indicate compliance until compliance had occurred, but of course prior to an authorizing resolution of the Legislature. So here again, this one, since we would recommend tabling since it hasn't gone to CEQ yet or Parks Trustees, we wouldn't be saying it's in compliance.

LEG. FIELDS:

Okay.

LEG. CARACCILOLO:

I'll make the motion to table since --

LEG. FIELDS:

Wait a minute, I'm not finished.

LEG. CARACCILOLO:

I just have one question --

LEG. FIELDS:

No, I'm not finished.

LEG. CARACCILOLO:

When you're finished, go ahead.

LEG. FIELDS:

The second question I have is as we sit here in this committee, as each resolution comes before us we then get handed this; I find that more difficult because, again, it's the same -- it's reviewing something instantaneously and I like to try to go through these in my office or at home or wherever so that I can think of the questions

that I might be prepared to ask so that I have the best, you know, response to whether or not I think this is an appropriate acquisition. And I'm not saying that you'll have lots of time to do all this because some of these come up last minute, but might I ask, you know, when a bill is filed and you know that you have this resolution before you, you're producing at least, you know, these documents, could we get them with the resolution or shortly thereafter; prior to this meeting is what I'm asking, can we get these prior to the meeting so that --

DIRECTOR ISLES:

Well, for any resolution that we recommend to the County Executive, we do prepare this information, aerial photographs and so forth; for resolutions that are sponsored by Legislators, we're not always aware of the resolution so therefore we can't necessarily prepare it. Once it's laid on the table we then become aware of it, of course, or if

47

there's prior discussion with a Legislator. And it does become a scramble; some of this was completed this morning actually to get it ready for today, we had a very quick turnaround.

CHAIRMAN BISHOP:

Why don't we just do this. We can as a committee table things that are first time on and then we'll give you one cycle to get all your questions answered, do on site visits and so forth.

LEG. FIELDS:

Well, I don't want to slow down, you know --

CHAIRMAN BISHOP:

No. I mean, I think that's reasonable. We don't have to approve everything the first time it's on, that doesn't mean that we're against it.

LEG. FIELDS:

No. I'm just saying, sometimes these things are under, you know, development pressure.

CHAIRMAN BISHOP:

I know, but rather than --

LEG. FIELDS:

But it's just something that I wondered if it could help us and I think it could help us if we had them before.

CHAIRMAN BISHOP:

I think the department has come a long way in providing information

and it's very helpful.

LEG. CRECCA:

They're doing a great job.

LEG. FIELDS:

And I appreciate it.

CHAIRMAN BISHOP:

And I don't want to pile on more mandates. But I'm not adverse to what you're saying, I think we shouldn't rush through things.

Anyway, back on this particular resolution. Before we vote we have another speaker.

LEG. CARACCIOLO:

Okay, just a request. If you could provide the committee with a copy of the appraisal reports on this -- no, on this one. We're talking about a multi million dollar acquisition, I would like to see the appraisal report.

CHAIRMAN BISHOP:

Is that something that's like 500 pages?

LEG. CARACCIOLO:

I'll read it, don't worry about it.

48

CHAIRMAN BISHOP:

All right. I don't need the full report.

LEG. CRECCA:

I don't need it either.

DEPUTY DIRECTOR BURKE:

You want a copy of the summary sheet?

CHAIRMAN BISHOP:

Yes, I'll take the summary sheet. William Shaub?

DEPUTY DIRECTOR BURKE:

And a copy of the appraisal review.

CHAIRMAN BISHOP:

You have more?

MR. GARBER:

I'm sort of timid to say any more, but --

CHAIRMAN BISHOP:

No, go ahead.

MR. GARBER:

Dr. Shaub was here. Yeah, I wanted to make a point I guess that's been seconded here, this is a very, very important property. The programs service all of western Suffolk County, people from all over the area know the Sherwood-Jayne Property. I think our opinion is that the property is in entirety; the house, the farming thing and the woods are one entity. I think some of it may be divided up into portions because of funding, obviously the woods can't be agricultural development rights so that's how this thing got split. I think the last minute things, in all due deference, is that there was negotiations that have reached closure with the current owners of the property, SPLIA. I have been at news conferences where we announced that properties were purchased like Detmer Farm only to find that the two parties were not close together. We are very close within the fiscal year to, in fact, completing something that was in our hamlet study and it's an urgent timely thing. And since museum services and SPLIA are under a lot of financial pressure, it's our concern that in fact this property is going to return to the jeopardy it was in a number of years back. Anyway, thank you.

CHAIRMAN BISHOP:

Let me ask one question; are you a SPLIA representative as well?

MR. GARBER:

No, no, I'm not; I am a member but I'm not. But there was -- I don't know if Maryann Spencer is here. There was supposed to be the only SPLIA across the --

CHAIRMAN BISHOP:

There's always a concern when we do something like this, you know, where we get punished for our good deed. Let's say we take -- we invest the millions necessary to preserve the property, then is

everybody going to come back and say, "Okay, now you have to provide the operating funds to keep the museum going"?

MR. GARBER:

No, no, no.

CHAIRMAN BISHOP:

No. That's good because I'll remember that next year or the year after.

MR. GARBER:

SPLIA, by the way, is the Society for Preservation of Long Island Antiquities.

CHAIRMAN BISHOP:

Right.

MS. SPENCER:

I am here

MR. GARBER:

Oh, she is here, there is a Trustee from SPLIA here.

CHAIRMAN BISHOP:

She says no to the question, that's a good answer. Mr. Shaub?

MR. SHAUB:

Thank you. Good afternoon. I'm unfamiliar with your procedure, so I apologize for going out of order. But I would like to reemphasize some of the points that were made before.

This is a very unique piece of property in the western Suffolk part of Suffolk. It does provide an opportunity for people to see a little bit of historic perspective of what has occurred in our past. It's an agricultural place, it's a place where SPLIA has provided an opportunity for youngsters, school children and what have you to see almost an operational form in our area. Again, it may not necessarily fit all the criteria and fit all the boxes of some of the things that we might see in the eastern Suffolk area, but for us in the western part of Suffolk it's a nice piece of property, it's a gem that has been tucked away off the beaten track. And I'm going to encourage you to take a look at this piece of property in that light and take a look at this piece of property in the sense that we are rapidly being developed in this particular area, it's an opportunity to do something that will not only preserve a piece of our history but provide a green space that would be environmentally friendly.

I think that we look at the sprawl that's occurring, the land is being gobbled up quicker than french fries in a fast food restaurant, and one of the things we'd like to prevent is that from happening. And this gives us an opportunity, again, to preserve something that we consider historic and also preserve in an area that has very few green spaces, a green area that can be passed down to our children and all of Suffolk can enjoy. So thank you for your time and attention.

CHAIRMAN BISHOP:

Thank you.

LEG. CRECCA:

I have a question for the speaker.

CHAIRMAN BISHOP:

Sure.

LEG. CRECCA:

SPLIA is now operating the farm, I guess, is that on a ten acre parcel?

MR. SHAUB:

I'd have to turn that to Maryann; Maryann, could you address that, the form?

CHAIRMAN BISHOP:

You have to come -- at this point, you have to come up.

LEG. CRECCA:

I'm sorry.

MS. SPENCER:

Your question?

LEG. CRECCA:

You're currently operating the farm that's there as a museum?

MS. SPENCER:

It's both a farm and museum, yes.

LEG. CRECCA:

Okay.

CHAIRMAN BISHOP:

Could you identify yourself for the stenographer?

MS. SPENCER:

Yes. I'm Maryann Spencer and I'm a Trustee of the Society for the Preservation of Long Island Antiquities.

LEG. CRECCA:

Now, that takes place where, on the ten acre parcel?

MS. SPENCER:

Yes.

LEG. CRECCA:

Okay. I guess my question is there's the other 36 acres which is primarily the thickly wooded area.

MS. SPENCER:
Right.

51

LEG. CRECCA:
What would be the intention of that; that would be to preserve that as open space then?

MS. SPENCER:
Yes, that's my understanding, yes. It's about 49 and change, the total acreage that's being considered. In the southern portion there's a historic home, barn, corn, crib, etcetera.

LEG. CRECCA:
Right, but the only -- the part that's of historical importance would be the working farm area, the ten acre working farm area, correct?

MS. SPENCER:
That would be the agricultural area, yes. And it's our intention to continue with the educational programs that we have and this would enable us, in fact, to develop that much further.

LEG. CRECCA:
What do you mean to develop that much further; the wooded area?

MS. SPENCER:
No, to develop the educational programs that are run at Sherwood-Jayne would be enabled by this --

LEG. CRECCA:
Acquisition.

MS. SPENCER:
-- acquisition, that's right.

LEG. CRECCA:
I totally understand that. My question really is strictly from your organization's point of view --

MS. SPENCER:
Yes.

LEG. CRECCA:
-- is there a need to enable for you to continue what you're doing there to acquire the wooded area of the 36 acres?

MS. SPENCER:
Yes, absolutely, absolutely.

LEG. CRECCA:

What purpose will that serve in your mission?

MS. SPENCER:

That will give us the financial ability to expand the educational programs and agricultural programs on the ten acres.

LEG. CRECCA:

How does that give you financial ability? I don't understand that.

52

MS. SPENCER:

If this purchase goes through?

LEG. CRECCA:

No. Maybe I'm not making myself clear, I'm sorry.

MS. SPENCER:

I don't understand.

MR. SHAUB:

What you're going to do with the 36 acres.

LEG. CRECCA:

There's two -- on our map there are two portions to this acquisition.

MS. SPENCER:

Right.

LEG. CRECCA:

That's what is labeled as a Greenways acquisition --

CHAIRMAN BISHOP:

That's the farm.

LEG. CRECCA:

-- which is the farm, okay.

MS. SPENCER:

Right.

LEG. CRECCA:

I totally understand what the acquisition does there.

MS. SPENCER:

Okay.

LEG. CRECCA:

What I'm asking is on the other part, not the farm.

MS. SPENCER:

It becomes parkland, right, and open space. The money from that sale we intend to use to develop the programs on this house.

LEG. CRECCA:

I don't understand the money from the sale.

LEG. COOPER:

SPLIA owns the property.

LEG. CRECCA:

Oh, you own the property.

MS. SPENCER:

We own the property.

53

LEG. CRECCA:

Well, I didn't know that.

MS. SPENCER:

It's ours.

LEG. CRECCA:

That's why I didn't get it, the answer was so darn simple I just didn't get it.

MS. SPENCER:

I'm sorry.

LEG. CRECCA:

Never mind, sit down.

MS. SPENCER:

Is that clear now?

LEG. CRECCA:

But we're going to own the ten acres?

MS. SPENCER:

That's --

LEG. CRECCA:

Tom, can you help me out here? Because the resolution, A, doesn't identify an owner and, B, are we buying from the same organization

that's going to keep the property, that's going to use the property?

DIRECTOR ISLES:

Yeah. The proposal is two resolutions, one would be ten acres of acquisition of development rights only for the farm pasture area along Old Post Road. The balance of the property, about 46 acres, would be a fee simple acquisition under the Multifaceted Open Space Program if approved by the Legislature. The only thing that would be left out of that I think are the Homestead properties themselves which the County would not be purchasing. The underlying fee on the farm would be --

CHAIRMAN BISHOP:

Who's buying it?

DIRECTOR ISLES:

SPLIA is.

LEG. CRECCA:

I'm sorry, I lost the last thing.

DIRECTOR ISLES:

The underlying fee would then be held on the farm piece by the Society for the Preservation of Long Island Antiquities.

LEG. CRECCA:

Who owns that now?

54

MS. SPENCER:

We do, the Society for the Preservation of Long Island Antiquities.

DIRECTOR ISLES:

Otherwise known as SPLIA.

LEG. CRECCA:

Right. So we're going to buy from them the right for them to develop it on the ten acre parcel.

DIRECTOR ISLES:

Right, under the County's Farmland Development Rights Program, so it would add to that program.

LEG. CRECCA:

Okay.

DIRECTOR ISLES:

And it was recommended for approval by the Farm Committee as well.

LEG. CRECCA:

Okay. But is there any -- now the question is for the trustee, and I apologize, I didn't have your name.

MS. SPENCER:

That's quite all right.

LEG. CRECCA:

Is the intention, regardless of whether this resolution goes forward, to continue to operate this as a farm, the ten acre parcel?

MS. SPENCER:

The intention, whether this goes forward or not, of the society is to preserve this site in perpetuity, that is the intention; this acquisition would enable us to do that.

LEG. CRECCA:

Otherwise are you saying that you can't afford to maintain the property?

MS. SPENCER:

There was a time in the past, as Mr. Garber can tell you, when this society did try to develop the northern 25 acres. There's no guarantee that a few years from now under financial pressure that the society wouldn't feel compelled to do that again. Right now this society wants to preserve it, sees this as a way not only to preserve the land but to further the programs that are in place on the land. And so in a sense, it's a -- it may be the right time both for the society and the County.

LEG. CRECCA:

Okay, I understand. Thank you.

CHAIRMAN BISHOP:

Legislator Cooper.

55

LEG. COOPER:

I'm sorry, just one question.

MS. SPENCER:

Yes.

LEG. COOPER:

How did SPLIA come into possession of this property?

MS. SPENCER:

The property was given to SPLIA by Sherwood-Jayne in his will.

LEG. COOPER:

And were there any --

CHAIRMAN BISHOP:

Were there any constraints to it?

LEG. COOPER:

Right, were there any conditions?

MS. SPENCER:

There's an endowment for the maintenance of the house and of course -- and that -- I'm not the director, I'm only a trustee, so I hope that I am saying this correctly, but my understanding is that we can only take a small percentage of the endowment every year in order to maintain the building, the grounds, the farm, to run the educational programs and so forth and that's what we're doing now. If this acquisition goes through, that endowment will increase, enabling us to do a great deal more in terms of educational programming, in terms of -- at this point in time, there's a limit to the use at Sherwood-Jayne because we can't run programs, educational programs in inclement weather. So for example, one of the things that we envision in a long range plan, we have preserved nine acres south of this parcel across the road and we envision that perhaps that could accommodate parking, a visitor center, classroom space, any of the sorts of things that we would like to provide and this acquisition might enable us to provide, but that would not compromise the Sherwood-Jayne parcel itself which is the 49 acres and change are on the north side of the road.

LEG. COOPER:

If we were to go ahead with the acquisition down the road of the 36 acres which would generate several millions of dollars of funding for you --

MS. SPENCER:

Yes.

LEG. COOPER:

-- to help you maintain the lower ten acres --

MS. SPENCER:

Yes.

LEG. COOPER:

Would there still be a necessity for the County to acquire farmland development rights for the ten acres, since the whole purpose of --

MS. SPENCER:

I would think you would want to do that. As a private citizen and not a trustee of SPLIA, I would think that you would want to encourage and support SPLIA in their desire now to preserve this as it is and to take it into the future and to have the funds to do it in a more meaningful way.

LEG. COOPER:

But the \$3 million plus that you'd be getting from the acquisition of the top 36 acres should be more than sufficient, I would believe, for any future expenditures for the lower ten.

MS. SPENCER:

Bear in mind, it would be just like everything else at Sherwood-Jayne, it would go into trust and we could only access a small percentage of that each year. It would be very helpful to us if the entire parcel could be acquired.

LEG. CARACCILOLO:

Mr. Chairman? Could you tell us what is the current amount of the society's endowment?

MS. SPENCER:

For the Sherwood-Jayne House?

LEG. CARACCILOLO:

Yes.

MS. SPENCER:

I don't have that figure off the top of my head.

LEG. CARACCILOLO:

Could you provide it, send us a letter?

MS. SPENCER:

It can be provided, yes, it can be, of course.

LEG. CARACCILOLO:

Okay. Just to follow up on a subject that Legislator Crecca kind of accidentally backed his way into, and that is -- and I'm confused so I would appreciate it if you can clarify this for me. Would -- if the County were not interested in purchasing the ten acres --

MS. SPENCER:

The 49 -- oh, you mean the ten acres of the farmland?

LEG. CARACCILOLO:

The ten acres, right.

MS. SPENCER:

The farmland, all right, and that's the development rights.

57

LEG. CARACCIOLO:

What would be the intention of the society, what are your plans as far as that property goes?

MS. SPENCER:

Our plans in terms of the ten acres around the house and the barn and the field and the farm and the sheep and so forth are do not change if you don't inquire.

LEG. CARACCIOLO:

Your endowment -- that's what I thought I heard you say. Your endowment is sufficient --

MS. SPENCER:

Our endowment is not sufficient but our intention is to do it anyway.

LEG. CARACCIOLO:

Well, how would you accomplish that?

MS. SPENCER:

The way we've been accomplishing it, we fix what we can each year, we go forward each year as we can, but the potential of that property has not been realized because we do not have the funds.

LEG. CARACCIOLO:

Okay. You mentioned a moment ago in response to Legislator Cooper's question --

MS. SPENCER:

Yes.

LEG. CARACCIOLO:

-- that as a taxpayer you think the County should preserve this ten acres.

MS. SPENCER:

Yes, I do. Yes, I do.

LEG. CARACCIOLO:

Well, don't you think you have a conflict in providing an opinion along those lines if you're a trustee of the society?

CHAIRMAN BISHOP:

Mike, come on.

MS. SPENCER:

I'm sorry.

LEG. CARACCIOLO:

I'm serious. I mean --

MS. SPENCER:

I'm sorry if I offended you, I didn't mean to.

LEG. CARACCIOLO:

This is an organization, it's a not-for-profit organization.

58

CHAIRMAN BISHOP:

If somebody is coming before you, it's not --

LEG. CARACCIOLO:

Well, I think we have to take into account where a speaker is coming from. There may be a good reason why they have an opinion like that, but I don't know that that's an opinion that would be shared county wide by residents.

CHAIRMAN BISHOP:

I don't think you should --

LEG. CARACCIOLO:

That we should be providing a funding source for not-for-profit organizations.

MS. SPENCER:

I didn't -- that is not what I meant to say.

LEG. CARACCIOLO:

Okay. That's what I was trying to clarify.

MS. SPENCER:

That's not what I meant to say. I'm sorry you understood it that way.

LEG. CARACCIOLO:

No, I'm glad you clarified that.

MS. SPENCER:

No, I don't feel that, no. And I am respectful of the fact that I cannot wear two hats.

LEG. CARACCIOLO:

That is my point.

MS. SPENCER:

And I apologize. I apologize.

CHAIRMAN BISHOP:

You are a taxpayer, you are allowed to speak.

LEG. CARACCILO:

No, she can speak as a taxpayer and she can also speak as trustee, but when the two converge I think there's a conflict.

MS. SPENCER:

I'm very sorry.

LEG. CARACCILO:

Thank you.

CHAIRMAN BISHOP:

It's revealed, we know she is a trustees and we know she's a taxpayer. Legislator Fields?

59

LEG. FIELDS:

I just have a question that came up before when I think Legislator Cooper asked you what you want to do with the property in the future and you said something about a parking field and what were the other things, your intent --

MS. SPENCER:

One of the most apparent needs of the Sherwood-Jayne Property at this point in time is it is a fabulous educational resource for all of Suffolk and Nassau County; in fact, groups come from Nassau as well. And we do not -- we are not able to fully realize that potential and one of the reasons we are not able to fully realize that potential is that we have no parking. And we don't want to put parking on the site itself, we can't -- in other words, if a school bus is going to come in, you don't want to compromise the site. And that's why the nine acres on the south were -- we envision that we might want to provide some parking for school buses.

LEG. FIELDS:

And the nine --

MS. SPENCER:

But far more importantly than that is that we don't have an educational facility.

LEG. FIELDS:

The nine acres is part of what --

MS. SPENCER:

No, it's not part of this resolution.

LEG. FIELDS:

Okay. That was all I needed.

MS. SPENCER:

What I'm telling you is that we have --

LEG. FIELDS:

I don't need any more.

MS. SPENCER:

-- an additional nine acres --

LEG. FIELDS:

No, you don't -- no, don't. I don't need any more to confuse me.
That's fine, thank you. That was my only question. Dave?

MS. SPENCER:

Okay.

CHAIRMAN BISHOP:

Is that it? That's it, okay. Thank you very much, Ms. Spencer.

MS. SPENCER:

Thank you.

60

CHAIRMAN BISHOP:

Do we want to take this out of order? I do.

2235-02 - To more fully identify parcel acquired under Greenways
Farmland Development Rights Program at Sherwood-Jayne Residence, East
Setauket (Town of Brookhaven) (Fisher). Motion to take it out of
order by myself, second by Legislator Cooper. All in favor? Opposed?
2235 is before us. CEQ has not acted upon this, is that correct?

LEG. FIELDS:

Correct.

CHAIRMAN BISHOP:

Everybody agrees that that's the status? All right, so then we
need --

MR. SABATINO:

That's correct. They're meeting on the 11th I think.

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:
On the 11th, so we have to table it. Do we have a meeting -- we have our last meeting of the year as the 17th?

MR. SABATINO:
Right.

CHAIRMAN BISHOP:
Right. When is the last meeting of this committee for the year?

MR. SABATINO:
The week before which would be the Tuesday before which would be the 10th.

CHAIRMAN BISHOP:
The 10th, so we have a problem. We have a problem because CEQ doesn't meet until after this committee meets for the last time and this is a resolution which is time contingent because the fund expires at the end of the year.

LEG. CRECCA:
If I may, on that note. What we could do is if our inclination is to move this resolution forward we could discharge it without recommendation, it would then be eligible for a full vote before the Legislature.

LEG. CARACCILOLO:
That's ridiculous.

LEG. CRECCA:
Or table it.

LEG. CARACCILOLO:
That's irresponsible. Mr. Chairman, the Town of Brookhaven, the Town

of -- that's irresponsible in my opinion. The Town of Brookhaven -- there's also a resolution, I should say, required from the Town of Brookhaven which is absent, so they have to act in order to meet that timetable as well. So you can't take action on this resolution until you have a Town Board resolution that it requires a 30% town share.

CHAIRMAN BISHOP:

I agree that we should wait for the Town Board resolution but I agree with Legislator Crecca with regard to the final action. Since this fund expires at the end of the year and if there were a majority of committee members who wanted to pursue the project, we would vote it out at the next committee meeting without recommendation and wait to see what happens the next day in CEQ; I think that would be logical. All right, but in any case, as for today, I have a motion to table by myself.

LEG. CARACCILO:
Second.

CHAIRMAN BISHOP:
Seconded by Legislator Caracciolo. All in favor? Opposed?
2235 is tabled (VOTE: 5-0-0-0).

Motion to take 2236 out of order by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? That's before us.

2236-02 - Approving acquisition under Suffolk County Multifaceted Land Preservation Program (Back 36 acres of Sherwood-Jayne Farmstead, East Setauket, Town of Brookhaven) (Fisher). Motion to table by Legislator Fields, second by Legislator Crecca. All in favor? Opposed? Okay.
Tabled (VOTE: 5-0-0-0).

So the two resolutions are tabled and I think we understand what we need; we need a Town Board resolution and then we need to vote this up or down before the end of the year.

That concludes public remarks, unless there is anybody who wishes to be heard that hasn't been heard up to this point; no, okay. To the agenda.

INTRODUCTORY RESOLUTIONS

Beginning on page one with 2140-02 - Making a SEQRA determination in connection with the proposed replacement of Mill Dam Bridge, Town of Huntington (Presiding Officer Tonna). Motion to approve by myself, second by Legislator Cooper. All in favor? Opposed? Approved (VOTE: 5-0-0-0).

2141-02 - Making a SEQRA determination in connection with the proposed scavenger waste facilities at existing Yaphank Sewage Treatment Plant Site (Proposed SD#24) Town of Brookhaven (Presiding Officer Tonna). Motion by myself, second by Legislator Crecca. All in favor? Opposed? 2141 is approved (VOTE: 5-0-0-0).

2142-02 - Making a SEQRA determination in connection with the proposed intersection improvements on CR 100, Suffolk Avenue at Brentwood

Road/Washington Avenue, Town of Islip (CP 5065) (Presiding Officer Tonna). Motion by Legislator Fields, second by myself. All in favor? Opposed? 2142 is approved (VOTE: 5-0-0-0).

2143-02 - Making a SEQRA determination in connection with the proposed demolition of remaining former military building at Gabreski Airport, Town of Southampton (Presiding Officer Tonna). Didn't we do this last time? I guess we didn't. Is there a motion?

LEG. CARACCILOLO:
Does this building have asbestos?

CHAIRMAN BISHOP:
Does this building have asbestos.

LEG. FIELDS:
Yes.

LEG. CRECCA:
Didn't we have this question last time?

CHAIRMAN BISHOP:
Yes, and we were told yes and then we approved it.

LEG. CARACCILOLO:
Is it going to be removed?

LEG. CRECCA:
I'll make a motion to approve 2143.

CHAIRMAN BISHOP:
Motion to approve by Legislator Crecca. Is there a second?

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:
Second by Legislator Fields. All in favor? Opposed?

LEG. CARACCILOLO:
Opposed.

CHAIRMAN BISHOP:
Mark me as opposed. 2143 is approved (VOTE: 3-2-0-0 Opposed: Legislators Bishop & Caracciolo).

2216-02 - Amending the 2002 Capital Budget and Program and

appropriating funds in connection with the Environmental Quality Information Systems (CP 4067) (County Executive). Explanation.

MR. SABATINO:

This converts the method of financing from pay-as-you-go to the bonding.

63

CHAIRMAN BISHOP:

We are over subscribed on the bonding, if I'm not correct I would -- I'm going to -- on the motion, is there a motion to approve?

LEG. CRECCA:

How much is it?

MR. SABATINO:

It's 339,000.

LEG. CRECCA:

And this is on -- I don't have the bill in front of me, I apologize.

MR. SABATINO:

It's for the information computer system, it's converting it from the operating 5-25-5 to bonding.

LEG. FIELDS:

Vito is here.

CHAIRMAN BISHOP:

Vito Minei?

LEG. CRECCA:

Nice tie.

MR. MINEI:

I sent my daughter to London and I got a silk tie. This is very important to the different --

LEG. FIELDS:

I don't think your mike is on.

MR. MINEI:

Legislator Crecca, this is very important to the division. We set up a Database Management System about ten years ago with the colorful names of Blacksmith and Universe, those are antiquated; the world subsequently has moved over to Oracle Databases on Windows and T-Servers. This would help migrate or convert our databases on pollution sources, our drinking water programs and get us going.

We're lucky to have sort of a transition program that gets us from that Blacksmith/Universe to Oracle. So we ask you for a favorable vote on the funding for this.

LEG. FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields. Is there a second?

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

Second by Legislator Crecca. All in favor? Opposed? List me as opposed, please.

64

LEG. CARACCILO:

Abstain.

CHAIRMAN BISHOP:

One abstention, it's approved 3-1-1. (VOTE: 3-1-1-0 Opposed: Legislator Bishop - Abstention: Legislator Caracciolo).

MR. MINEI:

Thank you.

CHAIRMAN BISHOP:

2217-02 - Amending the 2002 Capital Budget and Program by accepting and appropriating up to 75% grant funds in the amount of \$1,150,000 from the New York State Department of Agriculture and Markets (Grant C800017) to the Suffolk County Farmland and Preservation Program for the acquisition of Agricultural Development Rights (CP 8701) (County Executive).

LEG. CRECCA:

Motion.

LEG. FIELDS:

Second

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Fields. All in favor? Opposed? 2217 is approved (VOTE: 5-0-0-0).

2218-02 - Amending the 2002 Capital Budget and Program by accepting and appropriating up to 75% grant funds in the amount of \$2,500,000

from the New York State Department of Agriculture and Markets (Grant C800010) to the Suffolk County Farmland and Preservation Program for the acquisition of Agricultural Development Rights (CP 8701) (County Executive).

LEG. CRECCA:
Motion.

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:
Maybe I can get an explanation as to why these are separated and what the --

DIRECTOR ISLES:
They're two separate contracts with the New York State Department of Agriculture and Markets, they're in two different time periods in their grant cycles. We have one more actually on its way to the Legislature as well for another million dollars and these are all under the New York State Environmental Protection Fund Program.

CHAIRMAN BISHOP:
So what do these contracts bind us to, what's the agreement?

65

DIRECTOR ISLES:
I think a copy of the agreement is enclosed, but essentially it's for the purpose of providing additional funding for the purchase of development rights and the County's Farmland Protection Program, so this goes into that pot of money. The farms that are approved for this in the grant application are included in the packet with you, so really it enables us to leverage at a pretty good rate our Farmland Protection dollars. We have done this in the past and we've been pretty successful with it.

CHAIRMAN BISHOP:
I am confused because as I understood it, we had plenty of resources in the Farmland Program already; are we adding resources or we're just adding State money to a pot?

DIRECTOR ISLES:
We're adding State money to a pot, yes.

CHAIRMAN BISHOP:
Okay. We're not committing any more County money to that.

DIRECTOR ISLES:

No. The match that we're going to do are the dedicated funds, either Multifaceted Farmland or Quarter Percent Farmland that's already there for the 25% match.

CHAIRMAN BISHOP:

Is that how you understand it, Counsel?

MR. SABATINO:

That's correct. This is adding State money, 25% County match.

CHAIRMAN BISHOP:

Very good.

LEG. CARACCILO:

Motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, second by Legislator Fields. All in favor? Opposed? Approved (VOTE: 5-0-0-0).

2220-02 - Accepting and appropriating additional 50% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality, for the National Estuary Program (County Executive). Motion by myself, second by Legislator Caracciolo. All in favor? Opposed? 2220 is approved (VOTE: 5-0-0-0).

2227-02 - Authorizing planning steps for acquisition under Suffolk County Drinking Water Protection Program (Patchogue River Watershed, Town of Brookhaven, SCTM No. 0200-866.00-03.00-023.000) (County Executive).

LEG. CARACCILO:

Question. It appears that we have a town board resolution, is that --

66

I'm looking at one, I just want to make sure it's the right one, Tom; do your records reflect that?

DIRECTOR ISLES:

Well, I think that would be for the next resolution which is 2028.

Let me just make sure I have the right -- yeah, this one is a smaller one, this is a sole County acquisition.

LEG. FIELDS:

Are we going to have any more aerals for the rest of the meeting?

MS. FISCHER:

One more.

LEG. FIELDS:

Can we get them now?

DIRECTOR ISLES:

Sure.

MS. FISCHER:

It's on the next one.

LEG. CARACCIOLO:

Do we have the property owner on this?

DIRECTOR ISLES:

Yeah, the property owner of record is Angela {Arena-Rusher}.

LEG. CARACCIOLO:

What would make this property favorable for consideration?

DIRECTOR ISLES:

We did do a ranking on this one and it scored a score of 25. The ranking -- the success of the ranking was based upon the fact that there's other County land in this area. In the aerial photograph, the other County parcels are outlined in yellow. The parcel is also within the flood plain and it's within the watershed of Patchogue River which eventually drains down into the Great South Bay.

So if we look at the criteria, the Exhibit A that the Legislature often uses for ranking parcels, this parcel qualified as a 25. By the way, the blue line is a wetlands line, too, on the map.

CHAIRMAN BISHOP:

I guess this is not going to be very expensive.

DIRECTOR ISLES:

I would hope not.

CHAIRMAN BISHOP:

As we speculate, since it's a quarter of an acre that's wetland.

LEG. CRECCA:

Let's go for it. I'll make a motion to approve.

CHAIRMAN BISHOP:

This is planning steps only, so keep that in mind. Motion to approve by Legislator Crecca, second by myself. All in favor? Opposed?

LEG. CARACCILOLO:

Opposed.

CHAIRMAN BISHOP:

2227 is approved, Legislator Caracciolo's opposition notwithstanding (VOTE: 4-1-0-0 Opposed: Legislator Caracciolo).

2228-02 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Properties in East Patchogue, Town of Brookhaven). Which we already have our aerial; thank you, Legislator Fields.

LEG. CRECCA:

This is a lovely map.

LEG. CARACCILOLO:

This has a town board resolution.

DIRECTOR ISLES:

Yes, it does.

LEG. CARACCILOLO:

Okay.

DIRECTOR ISLES:

The resolution would commit to one-half of the acquisition cost if the County of Suffolk were to proceed. As you can see on the aerial photograph, this encompasses the west side of Abbots Creek in East Patchogue. There is an information summary provided, attached to the aerial photograph. The parcel consists of a number of tax map lots but totals about 16 acres in land area. It achieved a ranking of 25 due to the presence of wetlands, due to the fact that it's a watershed of Abbots Creek and eventually drains into the South Shore Estuary.

LEG. CARACCILOLO:

The property owner, Ronald Bush, is he a realtor?

DIRECTOR ISLES:

I think he's a realtor or he is a former realtor, but yes, he was in the real estate business.

LEG. CARACCILOLO:

Does he do any business with the County?

DIRECTOR ISLES:

I'm not aware that he does business with the County, but I will tell you that he is a new member of the Suffolk County Farmland Committee. But with any acquisition that the County may do, we do require a disclosure statement prior to closing. I'm not sure if he's currently

a realtor or not.

68

LEG. CARACCIOLO:

Again, the proximity to the Great South Bay, this is water front property, this would not be inexpensive by any means, would it?

DIRECTOR ISLES:

Yeah, I don't know, we haven't done an appraisal at this point. It's a substantial parcel of land. There are wetlands in the property that would impact on how much development can occur, but there's no question that some of the 16 acres could be developed. Once we get an appraisal we could then provide you with that information exactly.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

Tom, I mean Mr. Isles, the summary of funds --

DIRECTOR ISLES:

Yeah, there was a definite error there.

CHAIRMAN BISHOP:

There is a definite error; that's supposed to be five million?

DIRECTOR ISLES:

Yeah. Actually, the summary of available funds is 2.8 million.

CHAIRMAN BISHOP:

Two point eight is the bottom line. And so --

LEG. CRECCA:

Can I ask Tom a question?

CHAIRMAN BISHOP:

-- 16 acres on the water, 2.8 should be sufficient?

DIRECTOR ISLES:

Well, this will be an acquisition that will go into next year because we will not have appraisals completed if this is approved. This would the most likely have to tap into a future Multifaceted Program, it would seem to me. I think next year the Legislature approved funding of 13 million for Multifaceted, as I recall.

LEG. CRECCA:

Tom --

CHAIRMAN BISHOP:

Let me ask you also about --

LEG. FIELDS:

This is 50%.

CHAIRMAN BISHOP:

All right, I'll yield. When we did the environmental facility, the bond --

69

LEG. FIELDS:

EFC.

CHAIRMAN BISHOP:

EFC, right, Environment Facilities?

DIRECTOR ISLES:

Environmental Facilities Corporation.

CHAIRMAN BISHOP:

Where is that at?

DIRECTOR ISLES:

Okay, we did -- number one, the County had been authorized by the Legislature, the County Executive had been authorized to make an application, we did so. We were then included in the IUP, the Intended Use Plan produced by EFC last fall. We were then invited or permitted to file a formal application which we did in May of this year. We were then notified subsequently by EFC that they want some additional information and the most significant on that is SEQRA. The original application required that we coordinate with a regional, permanent administrator of DEC to comply with SEQRA, which we did and we were given certain instructions. EFC convened a meeting this past summer to inform all the applicants that SEQRA would have to be done as part of this process. The short answer, therefore, is that we are now completing SEQRA, we are going to CEQ in December, on December 11th that meeting is, and then we would expect to prepare to the Legislature in January a SEQRA determination on this. So there was a little bit of a change I think in how EFC wanted us to deal with SEQRA originally so we are now complying with that and that will be the last step in the process.

CHAIRMAN BISHOP:

What was the rush last year that we had to -- wasn't there --

DIRECTOR ISLES:

Well, there was a deadline to file this, I do recall that. The other

thing we are doing on this, too, is we've gotten some additional information which we haven't had a chance to share with Budget Review Office in terms of the exact financial implications of this and so we would want to have that further developed prior to actually presenting this to you for the SEQRA determination in January or February of this year.

CHAIRMAN BISHOP:

All right, back to our bill. Is there a motion on this?

LEG. FIELDS:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields, this is for planning steps only.

LEG. COOPER:

Second.

70

CHAIRMAN BISHOP:

Second by Legislator Cooper. All in favor? Opposed?

LEG. CARACCILOLO:

Abstain.

CHAIRMAN BISHOP:

One abstention, one absent, it's approved (VOTE: 3-0-1-1 Abstention: Legislator Caracciolo - Not Present: Legislator Crecca).

2229-02 - Approving voluntary land exchanges in the Mastic/Shirley area - Phase II (County Executive). Is there a significant list here?

MR. SABATINO:

Well, this was considered by the committee on a previous occasion because that's the way the Land Exchange Statute works. This now identifies the respective values whereby the County is exchanging land of greater value for land of lesser value so there's going to have to be a makeup of the difference. And I guess that's really the only issue I see left open which is how much is that and, you know, where is it; I guess those are the only questions I would have.

CHAIRMAN BISHOP:

Table, yeah, I will, I have to. Okay. You said you have a question?

MR. SABATINO:

No, I said the only questions that would be open that I couldn't

answer are based on the differential between the value of the land the County is giving up which is substantial in exchange for land which is of lesser value, there's a difference which has to be made up. So A, you need to know what the difference is and, B, where that payment is; is it being made simultaneous or whatever?

CHAIRMAN BISHOP:

Do we know that answer?

DIRECTOR ISLES:

Yeah, we have had appraisals completed on the parcels that are proposed to be exchanged with the County of Suffolk. There is a difference in valuation and this has also gone through an appraisal review process. Obviously, as we explained at the last presentation on this --

CHAIRMAN BISHOP:

There is a closing, right; these parcels close and at the closing if there's a differential a check is --

DIRECTOR ISLES:

Right. And there's a differential due to the County of Suffolk; our parcels were deemed to be more valuable than the other parcels and Lauretta is doing a quick addition of that.

CHAIRMAN BISHOP:

Okay. So it's simultaneous is the point.

71

DIRECTOR ISLES:

Yes, it is.

CHAIRMAN BISHOP:

Okay. Motion by Legislator -- me.

LEG. FIELDS:

Don't we -- do we have that information, the difference?

DIRECTOR ISLES:

Yes, we do.

LEG. FIELDS:

Do we have that, do we have it written down?

MS. FISCHER:

On your appraisal review.

DIRECTOR ISLES:

It's attached in your resolution, Laretta is just adding it up right now but we'll give it to you in a second.

LEG. FIELDS:

So all those numbers where it talks about 30,000 and --

DIRECTOR ISLES:

Right.

MS. FISCHER:

That's correct, final numbers.

DIRECTOR ISLES:

We'll have it for you in a second.

LEG. FIELDS:

And this is all for the appraisal -- the appraisals being completed.

DIRECTOR ISLES:

Yeah, there was an outside independent appraisal and then there was a review conducted by the Division of Real Estate.

DIRECTOR ISLES:

The difference is about 150 -- \$143,000.

CHAIRMAN BISHOP:

All right.

DIRECTOR ISLES:

No, \$153,000, so that would be due to the County of Suffolk to even the exchange.

CHAIRMAN BISHOP:

I'll make a motion to approve; is there a second?

LEG. CARACCILO:

Second.

72

CHAIRMAN BISHOP:

Second by Legislator Cooper this time. All in favor? Opposed?
Motion is carried. Approved (VOTE: 5-0-0-0).

TABLED PRIME RESOLUTIONS

All right, to the Tabled Resolutions. We do have to go through these, we're on the top of page three. There are no CEQ's this week, by the way.

1412-02 - Adopting Local Law No. 2002, a Charter Law adding Article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund (Fisher). Motion to table.

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Fields, second by myself.
Tabled (VOTE: 5-0-0-0).

1540-02 - Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land of Ronkonkoma Cenacle, Town of Brookhaven)(Caracappa). Motion to table by myself, second by Legislator Crecca. All in favor? Opposed?

LEG. CRECCA:
Opposed.

CHAIRMAN BISHOP:
Excuse me, I'm sorry. Second is Legislator Caracciolo. Legislator Crecca is opposed. Tabled (VOTE: 4-1-0-0 Opposed: Legislator Crecca).

1828-02 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property of WDP Enterprises at Ronkonkoma)(Town of Brookhaven)(Caracapp). Motion to table by myself, second by Legislator Fields. All in favor? Opposed?

LEG. CRECCA:
Opposed.

CHAIRMAN BISHOP:
Legislator Crecca is opposed. Tabled (VOTE: 4-1-0-0 Opposed: Legislator Crecca).

1834-02 - Authorizing planning steps for the acquisition of land under Pay-as-You-Go 1/4% Taxpayer Protection Program (Land of Galasso, Town of Islip)(Alden).

LEG. FIELDS:
Motion to approve.

CHAIRMAN BISHOP:
Motion to approve by Legislator Fields, second by myself. All in favor? Opposed? 1834 is approved (VOTE: 5-0-0-0).

1840-02 - Appropriating 1/4% Sales tax proceeds for Pay-as-You-Go Open

Space Acquisition of Camelot/Paumanok Wetlands Property, Town of Huntington (SCTM No. 0400-191.00-02.00-024.000) (Presiding Officer Tonna). Is there a motion?

LEG. CARACCILOLO:
Table subject to call.

CHAIRMAN BISHOP:
Motion to table subject to call. Is there a second on that motion?

LEG. FIELDS:
I will make a motion to table.

LEG. COOPER:
I'll second the tabling.

CHAIRMAN BISHOP:
Motion to table by Legislator Cooper, second by Legislator Fields.
All in favor? Opposed? The resolution is tabled (VOTE: 5-0-0-0).

1911-02 - Appropriating Greenways Infrastructure Improvement Fund grant for Miller Place property in the Town of Brookhaven (Haley).

LEG. CRECCA:
Did this need a town board resolution?

CHAIRMAN BISHOP:
This is the grant, the improvement grant, they're eligible of \$200,000.

MR. SABATINO:
This requires PAL to make a commitment but they haven't made a commitment yet, so --

LEG. FIELDS:
Motion to table.

LEG. CRECCA:
Second.

CHAIRMAN BISHOP:
Motion to table by Legislator Crecca, second by Legislator Fields.

LEG. CARACCILOLO:
Just on that resolution. Mr. Isles --

CHAIRMAN BISHOP:
All in favor? Opposed? 1911 is tabled (VOTE: 5-0-0-0). But on the resolution, there's a question.

LEG. CARACCIOLO:

Yes. Previously did we provide the \$100,000 grant under previous year's funding?

74

DIRECTOR ISLES:

Under this project?

LEG. CARACCIOLO:

Right.

DIRECTOR ISLES:

Not that I'm aware of.

LEG. CARACCIOLO:

Okay. Under the program then, Counsel, the Capital Program allows I believe it's -- was it \$100,000?

CHAIRMAN BISHOP:

Up to a hundred.

MR. SABATINO:

It's 50% with a maximum of a hundred thousand.

LEG. CARACCIOLO:

Okay. And can you draw down on that Capital Program one time or multiple times?

MR. SABATINO:

Well, one organization can only go up to 50 -- they can do it more than once but they can't go beyond \$100,000.

LEG. CARACCIOLO:

So the County is limited to a hundred thousand?

CHAIRMAN BISHOP:

Except in the Wedge where they found a loophole.

LEG. CARACCIOLO:

Right.

MR. SABATINO:

No, there wasn't a loophole, what happened was two different organizations because the transaction was structured with more participants.

LEG. CARACCIOLO:

The Mt. Sinai Civic and the towns.

MR. SABATINO:

The individual participants applied but there wasn't the same party.

LEG. CARACCILO:

Okay.

CHAIRMAN BISHOP:

Side parcel, same project, that's a loophole.

LEG. CARACCILO:

Yeah. Okay, thank you.

75

CHAIRMAN BISHOP:

All right, but that's not going on here anyway.

1913-03 Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Property in Ridge) (Town of Brookhaven) (Haley).

MR. SABATINO:

This one needs a town resolution.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Fields. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).

LEG. CRECCA:

What about 1912, Mr. Chairman?

CHAIRMAN BISHOP:

I think he's right, he's right, Ridgehaven Estates.

1912-03 Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) (Town of Brookhaven) (Haley). Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? Thank you for that, Legislator Crecca, you're correct. 1912 tabled (VOTE: 5-0-0-0).

1917-02 - Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land on Granny Road, Town of Brookhaven) (Towle).

LEG. CRECCA:

Does anybody remember why we did this last time?

DIRECTOR ISLES:

You had asked me to contact the sponsor, as I recall, it was 85 acres, 35 points. I did contact the sponsor and informed him that the committee I think wanted more information on it, I haven't heard anything further back on it, I'm not sure if you have either.

LEG. FIELDS:
Motion to table.

CHAIRMAN BISHOP:
We have not.

LEG. CARACCILOLO:
Counsel, how do we find out -- when you have a limited partnership, or an LLC in this case, how do we find out who the principals of that are; is there a way to find out?

MR. SABATINO:
On a limited partner?

LEG. CARACCILOLO:
Well, this is an LLC.

76

LEG. CRECCA:
Liability corporation.

MR. SABATINO:
I'm not sure if they have to file with the County Clerk or the Secretary of State, I don't recall. But I'm not sure that you would get much -- I'm not sure that you would get the names of all of the parties, I don't think you would because you wouldn't with a corporation. With a corporation, all you would find out is who the Board of Directors are and who the parties incorporated but you wouldn't know who the shareholders are.

LEG. CARACCILOLO:
Okay, thank you.

CHAIRMAN BISHOP:
All right. Is there a motion on this? Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed?
Tabled (VOTE: 5-0-0-0).

1980-02 - To authorize lease of active parkland property at Trinity Cemetery, New Highway, North Amityville, Town of Babylon, from Most Holy Trinity Roman Catholic Church (Bishop). This is a lease under the Greenways Active Recreation Program. I have been tabling this but we now have approval by the Parks Trustees. I make a motion to

approve.

LEG. FIELDS:

Do you have a resolution?

CHAIRMAN BISHOP:

Yes.

LEG. CARACCILOLO:

Tom, could you give us a fuller explanation?

CHAIRMAN BISHOP:

I think Mr. Burke also is familiar.

DIRECTOR ISLES:

Yeah, Mr. Burke is definitely familiar. This is a parcel that actually was authorized on the order of two or three years ago actually originally and I think it was anticipated to be a full acquisition under the Greenways Active Recreation component. It's a parcel of I think approximately ten acres, and I'll verify that in a moment, that's proposed to be developed in conjunction with the Town of Babylon for various athletic fields, parking lot, bathroom station and so forth.

LEG. CARACCILOLO:

In the Town of Babylon, how much money have we invested in the various -- well, active component; the Oak Beach Inn, what program, Mr. Chairman, was that acquired under?

77

CHAIRMAN BISHOP:

Active, there was that one, there's the one in the Village of Amityville for a million and I now this one.

LEG. CARACCILOLO:

And the Oak Beach in was, what, a 7.9, an \$8 million?

DIRECTOR ISLES:

Well, that was two programs, Greenways was part of it and then Drinking Water was another part of it.

CHAIRMAN BISHOP:

Right, and it was actually 12(5)E was also used.

DIRECTOR ISLES:

Yeah, 12(5)E, right.

CHAIRMAN BISHOP:

But if your point is --

LEG. CARACCILOLO:

We have a town board resolution?

CHAIRMAN BISHOP:

Sure.

LEG. CARACCILOLO:

Counsel? Well, if Counsel doesn't have note of it then we don't have it.

CHAIRMAN BISHOP:

When we originally approved it three years ago they did a town board resolution.

LEG. CARACCILOLO:

Well, is that still in effect?

CHAIRMAN BISHOP:

Yes, it's still in effect. Why wouldn't it be in effect?

LEG. CARACCILOLO:

I don't know, I want to make sure.

LEG. CRECCA:

While Counsel is looking that up, Legislator Bishop, do you know how much this is for?

CHAIRMAN BISHOP:

Mr. Burke knows how much it's for.

LEG. CRECCA:

Mr. Burke, hi.

DEPUTY DIRECTOR BURKE:

Hi. I don't know the exact amount, but it's about one -- oh, here it is, it's right in the resolution, 1.7 -- \$1,768,000.

LEG. CRECCA:

And what is -- is that like for a one year lease or something?

DEPUTY DIRECTORY BURKE:

Yeah, a one year lease -- six month short-term.

MS. FISCHER:

Thirty years.

DEPUTY DIRECTOR BURKE:

Thirty years.

LEG. CRECCA:

Thirty years? Do we get to buy it for a dollar after 30 years or -- no, I'm just kidding.

CHAIRMAN BISHOP:

We hope.

DEPUTY DIRECTORY BURKE:

This is the Brooklyn Diocese we're talking about.

LEG. CRECCA:

Is it? Oh, never mind. There's nothing for a dollar.

CHAIRMAN BISHOP:

We can't even put a dollar in the basket there.

LEG. CRECCA:

It's 1.6?

DEPUTY DIRECTOR BURKE:

One point seven.

DIRECTOR COSTIGAN:

It's in the first RESOLVED clause.

LEG. CRECCA:

I apologize, I don't have a copy of resolution.

DIRECTOR ISLES:

It's 13.7 acres.

CHAIRMAN BISHOP:

Greenways Active Recreation. This --

LEG. CARACCILOLO:

Just then my question would be what's the fund balance in Greenways Active; what do we have thus far as a balance? I just want to know, three million here and a million seven there, before you know it you don't have fund balances.

DIRECTOR ISLES:

Okay, the current balance, according to the information that I have, is \$6.8 million and we have a number of parcels that are pending including this application of Trinity Cemetery. So there is funding

currently available for this out of the \$6.8 million that we presently have.

LEG. CARACCIOLO:

Given the planning resolutions for the other possible acquisitions --

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

-- what -- you would obviously be overextended, you wouldn't have enough funds to --

DIRECTOR ISLES:

Well, that's -- yeah. Actually, in terms of the number of pending resolutions right now totals 22 that I have in my record, of those I would say about nine of those are -- eight or nine are active in terms of we have discussions and negotiations and appraisals going on. Of that list, we have at least two that are very close to contract, if not in -- oh, getting ready to go to closing, pardon me. So those are in contract so those total 900,000, 700,000, so 1.6 million. So it should take 1.6 million away from the 680,000 -- 6.8 million.

LEG. CARACCIOLO:

Around the County we have -- just refresh my memory, we made about five or six active component acquisitions so far? We have the Wedge in Brookhaven.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

We have Strawberry Fields in Southold; Smithtown, do we have anything in Smithtown?

LEG. CRECCA.

No, Smithtown gets nothing

LEG. CARACCIOLO:

Smithtown, Islip.

LEG. FIELDS:

Islip gets nothing.

LEG. CRECCA:

We take care -- we do our own acquisitions and developments.

LEG. CARACCILOLO:

In other words, out of the ten tens, how many towns so far are represented in the County's effort to provide active parklands?

DEPUTY DIRECTOR BURKE:

Babylon, Huntington.

80

DIRECTOR ISLES:

Southold, Brookhaven, Riverhead, if not soon, I don't know if there's any pending.

DEPUTY DIRECTOR BURKE:

Riverhead, right, Town of Riverhead is pending, and the Town of Southampton is pending on Iron Point.

DIRECTOR ISLES:

So six, the Town of Southampton as well, we have pending Iron Point.

LEG. CARACCILOLO:

Iron Point?

DIRECTOR ISLES:

Right.

LEG. CARACCILOLO:

Okay; that's going to wipe out the fund right there.

CHAIRMAN BISHOP:

How much farmland is Babylon getting? Stop torturing me.

LEG. CARACCILOLO:

We can transfer some, Dave.

LEG. CRECCA:

Mr. Chairman?

CHAIRMAN BISHOP:

Yes.

LEG. CRECCA:

I'm sorry, I don't know if Legislator Caracciolo is done, he looked like he was done. Just so everyone knows, it's about \$4,200 an acre if you break it down over the 30 years for the amount of acres that we have. Just I would --

LEG. CARACCILOLO:

This lease.

LEG. CRECCA:

This lease.

LEG. CARACCILOLO:

Okay, my question then would be, Mr. Chairman, as the -- are you the sponsor? Yes. Why would not the Diocese want to sell us this property and why wouldn't it be in the County's best interest to purchase rather than lease?

CHAIRMAN BISHOP:

It wouldn't. We would love to purchase. If there was a parcel in the Town of Babylon of more than acre that somebody was willing -- first of all, it wasn't developed and somebody was willing to sell, we would be glad to buy it. However, most of the open space in the Town of Babylon is owned by the Catholic Church; this particular piece is

81

owned by a Diocese -- not by the Diocese in Brooklyn but by a particular parish in Brooklyn through the Diocese. And they are only willing to lease it and they're not willing to sell it and that's been the general problem we have had with all the Greenways initiatives in the town, we can't find sellers. We're lucky, we feel grateful that we found even a leasor, a lessor.

LEG. CARACCILOLO:

Okay. Then I imagine my next question is to obviously we can lease as well as purchase property --

CHAIRMAN BISHOP:

It's cheaper to lease, you know, to purchase it would have cost more cash up front.

LEG. CARACCILOLO:

From their end, it also is property that continues to increase in value --

CHAIRMAN BISHOP:

Yeah, absolutely.

LEG. CARACCILOLO:

-- and is improved and so forth. Okay.

CHAIRMAN BISHOP:

To the degree that the church wants a soccer field on Long Island, it's improved.

LEG. CRECCA:

And is there any cost to the County, Mr. Sponsor, to build these fields or are we going to have to invest more dollars into this park?

CHAIRMAN BISHOP:

The only thing, the town will probably ask for a grant that they're entitled to of up to a hundred thousand dollars on the match for one field. The Long Island Junior Soccer League will be constructing two fields at the location at their cost and the softball league that operates in the Town of Babylon, a private softball league, an adult league, will construct the other field.

LEG. CRECCA:

What about parking; will they be responsible for that aspect?

CHAIRMAN BISHOP:

The Town of Babylon is doing parking in the facility.

LEG. CRECCA:

And is this going to be a County park?

CHAIRMAN BISHOP:

Yes.

LEG. CRECCA:

Okay. Mr. Sponsor, I commend you on this --

82

LEG. CARACCILOLO:

Initiative.

LEG. CRECCA:

This initiative; I was going to call it an acquisition but it's not. And I would be proud to second your motion to approve.

CHAIRMAN BISHOP:

Motion to approve by myself, second by Legislator Crecca; I appreciate your kind remarks. All in favor? Opposed? Oh, even Legislator Caracciolo; thank you, sir. It's Approved unanimously (VOTE: 5-0-0-0).

MR. SABATINO:

There was a town resolution, it was from 2000.

CHAIRMAN BISHOP:

2045 -- I'm so excited I lost my spot.

1986-02 - Authorizing planning steps for the acquisition of farmland under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Carman at Sound Avenue, Town of Riverhead) (Caracciolo).

LEG. CARACCIOLO:

Okay, let's talk about -- you talk about beautiful pieces of property.

LEG. CRECCA:

How much money has the east end gotten?

LEG. CARACCIOLO:

We previously I believe received the aerial on this, Tom?

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

Okay. I think it came up with a -- what was the ranking on this, Tom?

DIRECTOR ISLES:

Yeah, this is actually reviewed under Farmland and I think this went to the Farmland Committee in October and I think they tabled it to the next meeting. And I think the reason they did that is that it's a pretty big piece, I don't remember the exact acreage.

LEG. CARACCIOLO:

It's 96 acres.

DIRECTOR ISLES:

Okay, but a lot of it is wooded and I think the front part along Sound Avenue is a farm of about 15 or maybe 20 acres or so, and that is certainly worth while and so forth. But I think the Farmland Committee questioned the balance of it that's wooded obviously.

LEG. CARACCIOLO:

What if I were to change the resolution to reflect -- make it an acquisition of -- the farmland under the Farmland Preservation Program and the remaining property under either Greenways Open Space?

83

DIRECTOR ISLES:

An Open Space, right, or Drinking Water.

LEG. CARACCIOLO:

Because we have -- well, do we have sufficient fund balances in Greenways Open Space? What about under the new program that we -- the EPF?

DIRECTOR ISLES:

We don't have a lot in Greenways Open Space, I don't believe.

LEG. CARACCIOLO:

What about under the new initiative, the 62 million, 41 million under the EPF?

DIRECTOR ISLES:

Plus, you know, Greenways was approved under the Greenways Plan back in '98, most of those parcels. Under the Drinking Water Protection Program and the EFC money --

LEG. CARACCIOLO:

I mean EFC, I said EPF.

DIRECTOR ISLES:

Right. Yeah, we don't have a lot of money.

LEG. CARACCIOLO:

Well, we'd have it under EFC.

DIRECTOR ISLES:

Under EFC; I'm just getting my thoughts together.

LEG. CARACCIOLO:

There's \$41 million for open Space in EFC.

DIRECTOR ISLES:

Right. Yeah, current available is about 11 million, we have about two million or so in contract, we estimate we have roughly \$3 million left over right now in Drinking Water.

LEG. CARACCIOLO:

Right. What about EFC?

DIRECTOR ISLES:

And then EFC would be 41 million.

LEG. CARACCIOLO:

We haven't spent any money yet.

DIRECTOR ISLES:

No, we haven't spent any of that yet, no.

LEG. CARACCIOLO:

Okay. So I'm going to amend the resolution to bifurcate, you know, farmland and the PDR under --

CHAIRMAN BISHOP:

So you need to table this at this time.

LEG. CARACCILOLO:

That's right.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by myself. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).

2004-02 - Suffolk County Private Well Water Remediation Program (Caracciolo). Motion to table by myself. Is there a second?

LEG. CRECCA:

Second.

LEG. FIELDS:

I will second it.

CHAIRMAN BISHOP:

Second by Legislator Fields. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).

2043 we covered.

2045-02 - Authorizing acceptance of a gift of personal property from Robert David Lion Gardiner, former owner of Sagtikos Manor and the Robert David Lion Gardiner Foundation, Inc. (Carpenter).

LEG. CRECCA:

I'll make the motion.

LEG. CARACCILOLO:

Explanation.

MR. SABATINO:

No, we're still waiting for documentation.

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Ms. Costigan?

LEG. COOPER:

Second.

DIRECTOR COSTIGAN:

That motion is no longer needed. The property has closed and what they did was they deeded the property outright without any qualifications and therefore they didn't need a resolution.

LEG. FIELDS:
So we got it?

85

DIRECTOR COSTIGAN:
We have it.

CHAIRMAN BISHOP:
Is that how it works?

LEG. FIELDS:
Not the property.

DIRECTOR COSTIGAN:
Both, we have both outright.

LEG. FIELDS:
Good.

CHAIRMAN BISHOP:
We accept property without a --

MR. SABATINO:
We bought the gift?

DIRECTOR COSTIGAN:
No, we didn't buy it.

MR. SABATINO:
They were making a gift of a whole bunch of personal property, so --

DIRECTOR COSTIGAN:
Separate from the acquisition, the property was deeded out right, was gifted outright without any conditions whatever to the County and the County Attorney opined that a resolution was not needed, a deed of gift was needed --

CHAIRMAN BISHOP:
Yeah, I understand.

DIRECTOR COSTIGAN:
-- or a document gifting it and they provided that at the closing.

CHAIRMAN BISHOP:
I thought, though, we needed a resolution on any gift.

MR. SABATINO:
Yeah, that's the whole --

CHAIRMAN BISHOP:

Whether it's conditioned or not.

DIRECTOR COSTIGAN:

According to the County Attorney, if there were no conditions, whatever, you didn't need anything, you needed this document of transfer.

CHAIRMAN BISHOP:

It's all right. Could you transmit a copy of that opinion to Counsel and myself?

86

DIRECTOR COSTIGAN:

I will ask the County Attorney to do that, they gave it to us verbally.

CHAIRMAN BISHOP:

All right, understood. I mean, we could go back and do the resolution nunc pro tunc I guess, but that's after the fact.

LEG. CRECCA:

Why don't you table this for now then.

CHAIRMAN BISHOP:

Table it. Motion to table by Legislator Fields, second by Legislator Crecca. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).
2051-02 - Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville Village (Town of Babylon) (Postal). I don't know what kind of parking you're going to put on Broadway. Explanation?

LEG. CRECCA:

Is there a ranking on this, Tom?

DIRECTOR ISLES:

No, it's Greenways Active Recreation. I think this is the one that was a proposed Grist Mill I think on this site.

CHAIRMAN BISHOP:

Oh, the Grist Mill.

LEG. CRECCA:

Oh, yeah. Motion to table. I remember this now.

CHAIRMAN BISHOP:

Yeah, motion to table by Legislator Crecca, second by Legislator Caracciolo. All in favor? Opposed? List me as opposed.

Tabled (VOTE: 4-1-0-0 Opposed: Legislator Bishop).

2058-02 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Greis Property at Oakdale) (Town of Islip) (Fields).

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by Legislator Cooper. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).

2062-02 (P) - Authorizing planning steps for acquisition of land under pay-as-you-go Taxpayer Protection Program (Land of Spectacle Lake, Town of Smithtown) (Crecca).

LEG. CRECCA:

Town of Smithtown, the town that gets nothing. Again, last time you guys didn't want to approve this because it is primarily wetlands and you felt that it wouldn't be developed anyway. It is planning steps

87

only and I would ask that --

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca, second by myself. On the motion, can we get the opinion of the department?

DIRECTOR ISLES:

Well, I would only make the point that a large part of this property is wetlands but you should always view wetlands regulatory boundaries as being the minimum protection. It still could allow development in proximity to wetland boundaries. And in fact, under New York State DEC regulations, they seek to avoid development of wetlands, but in the event that the sites can't be configured to prevent it, they do allow development on wetlands and so forth. My only point is that regulatory controls should be viewed as the minimum protection, you could still get development adjacent to the wetlands, you could still get effluent impacts and so forth, acquisition represents the strongest protection possible, just as a general statement.

More specific to this location, this was recommended I believe in the Greenways Plan. It is part of a ponding system in the Lake Ronkonkoma area, it did achieve a ranking of 35 points.

CHAIRMAN BISHOP:

Oh, it has a significant ranking.

DIRECTOR ISLES:
We recommend it.

CHAIRMAN BISHOP:
All right. I don't know what kind of ornery mood we were in last time.

LEG. CRECCA:
You were just mean, you guys were just outright mean last time, that's what it came down to.

CHAIRMAN BISHOP:
Motion to approve by Legislator --

LEG. CARACCILOLO:
On the motion.

CHAIRMAN BISHOP:
Motion being made and seconded.

LEG. CARACCILOLO:
On the motion.

CHAIRMAN BISHOP:
On the motion, Legislator Caracciolo.

LEG. CARACCILOLO:
Just, Mr. Isles, if you can refresh my memory. There were two properties in Legislator Crecca's district and I might be confusing the two. How many acres was this?

88

DIRECTOR ISLES:
I'll get you that in a second.

LEG. CRECCA:
While he's looking --

LEG. CARACCILOLO:
Is this the seven acre piece?

DIRECTOR ISLES:
I think it is the larger, it's a fully -- we'll get you --

LEG. CRECCA:
Yeah, it was.

LEG. CARACCILOLO:

Right, and five of the acres were within the wetland boundaries?

LEG. CRECCA:

That's the one, yes.

DIRECTOR ISLES:

Something like that, seven acres, right.

LEG. CARACCIOLO:

Yeah, okay. And you said that's the minimum amount of acreage that would be considered protected, so then we're back to just two acres. And my point then and my point now is why do we want to buy seven acres when the yield on this is no more than two?

DIRECTOR ISLES:

Well, presumably then we're going to pay for only two as well, that the price will be reflective of the limitation on use. Certainly if we did nothing, if the County didn't buy this, New York State and the Town of Smithtown would protect it to at least a minimum extent with wetlands regulations. But here again, that's always the minimum, a house or two houses could be built on the two acres or perhaps more, they generate effluent, they generate man impacts on the wetlands.

LEG. CARACCIOLO:

Yeah, but we're talking about an area that's already impacted.

DIRECTOR ISLES:

Well, here again, it becomes a degree of protection. This one, as I said, when the Greenways Plan was reviewed, this was looked at as being a series of ponds, kettle ponds and so forth in the vicinity of Lake Ronkonkoma. And as part of that system, that network, water quality for Lake Ronkonkoma, it was deemed worth while; I defer to your judgement on it.

CHAIRMAN BISHOP:

Mr. Isles, the 12(5)E Program, I was surprised to find, still had a significant balance for the Town of Islip.

DIRECTOR ISLES:

Right.

CHAIRMAN BISHOP:

The Town of Smithtown, down it have a balance, since I don't recall many acquisitions in the Town of Smithtown?

DIRECTOR ISLES:

Yes, it does.

CHAIRMAN BISHOP:

It does have a balance; of how much?

DIRECTOR ISLES:

The balance is approximately \$3.2 million.

CHAIRMAN BISHOP:

Legislator Crecca, you're missing a significant moment in your career, the 12(5)E Program.

LEG. CRECCA:

You know, I've always been a big proponent of the 12(5)E Program.

CHAIRMAN BISHOP:

So what you'll do is table this and move it to the 12(5)E Program and that should satisfy everybody here.

LEG. FIELDS:

I'll second the motion to table.

LEG. CRECCA:

Would that satisfy this committee?

CHAIRMAN BISHOP:

Everybody, almost, except Legislator Caracciolo.

LEG. CRECCA:

Well, with the exception of Legislator Caracciolo.

LEG. CARACCIOLO:

Who tries to be consistent.

LEG. CRECCA:

Mr. Counsel, can we -- when's the deadline to amend, tomorrow, or was that at one o'clock today?

MR. SABATINO:

No, the corrected copy deadline was today.

LEG. CRECCA:

That's sad, all right. Well, then you know what? I will support the tabling motion and ask Counsel to change the funding to 12(5)E. Thank you.

CHAIRMAN BISHOP:

Motion by Legislator Crecca, second by Legislator Fields. All in favor? Opposed? Tabled (VOTE: 5-0-0-0).

The last resolution is 2083-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Environmental Health Sanitarian Computerization (CP 4066) (County Executive). We are prime on this? And this is another pay-as-you-go.

MR. SABATINO:

2083 was done by I guess a CN or a discharge.

CHAIRMAN BISHOP:

Oh, okay, strike it. Very good.

Is there any other business to be brought this committee? Hearing none, I have a motion to adjourn by myself, second by Legislator Caracciolo. All in favor? We stand adjourned. Happy Thanksgiving, everybody.

(*The meeting was adjourned at 5:24 P.M.*)

Legislator David Bishop, Chairman
Environment, Land Acquisition & Planning Committee

{ } - Denotes Spelled Phonetically